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MESSAGE

OF

HIS EXCEL'NCY MONTFORT STOKES,

TO THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

MESSAGE.

To the Honorable the General Assembly of the State of North Carolina:

GENTLEMEN,

Among the distinguished blessings derived from the establishment of the independence of our country, may justly be enumerated the free election and constitutional meeting of the Representatives of the people. Selected from every section of the State, accurately acquainted with the occurrences which have taken place in their respective districts, familiar with the condition of their constituents, and coming to the seat of government clothed with ample powers to remedy the grievances under which the people labor, they present one of the most cheering and interesting characters of our peculiar form of government. Assembling under such circumstances, when we are assured that crops of all kind have been abundant, and that the means of subsistence and comfort are thereby secured to every citizen of the State, and when the ordinary share of health crowns our enjoyments, we have abundant reason to be thankful to the Almighty Ruler of the Universe for these inestimable blessings, and to pray that they may be continued to us, and perpetuated to our children.

The satisfaction which I should have felt on meeting with the Legislature at this time, is somewhat abated by the accident that caused the destruction of the State House, which had been repaired in a faithful and masterly manner, and nearly completed, under the provisions of the act of the last session. By this casualty the State has been deprived of the convenient halls provided for the accommodation of the Legislative body, together with the adjoining offices and the public Library. The fine marble statue of Washington, by Canova, has also been much mutilated, and a considerable portion of the ornaments and furniture of the building has been destroyed. The injury to the Statue is to be regretted, as it was the work of an artist of great celebrity, now no more: But the memory of Washington, the father of his country, will live in the hearts and recollections of all who love liberty, in every part of the globe, and needs no artificial monument to revive or to perpetuate the glory of his achievements.

With respect to the loss of the building itself, it is my opinion, fortified by that of better judges, that, under all circumstances, it is not to be considered as a public calamity. Such were the defects in the construction of the old walls, erected in 1794, that it is very probable that a part of the building would have fallen in a few years, and perhaps caused the death of many of the assembled Representatives.

Immediately after the destruction of the State House, the congregation of the Presbyterian Church in this city, with a public spirit which reflects great credit upon their liberality, tendered the use of their meeting house for the accommodation of the House of Commons, and their session room for the Senate. Without determining positively in this case, but leaving the members to decide hereafter for themselves, I have considered it my duty, under existing circumstances, to make a temporary preparation, and to tender the Government House to the Legislature, which, being the property of the State, may probably be so altered as to answer the purpose of

holding their session, until an appropriation shall be made, and a suitable building erected. In this arrangement, my only object has been to provide for your comfort during the session. I have totally disregarded my own convenience, in order that, by tendering the Government House, I might be enabled to accommodate the Legislature in the best possible manner the nature of the case will admit.

In relation to our internal concerns, I have to observe, that it would be impossible to conceal from the world, and needless to disguise from ourselves, the fact, that a certain class of the population of the State have become more discontented and ungovernable than heretofore. Fanatics of their own complexion, and other incendiaries, have fomented these discontents, and have incited them, in many instances, to enter into conspiracies dangerous to the peace and safety of the country. To guard against these evils, which in all probability will continue, the utmost caution and prudence are necessary. Restrictive laws have been enacted without producing the desired effect; and the crimes committed in a late insurrection in an adjoining State, would seem to require further and early attention to this subject. Instead of multiplying severe and sanguinary laws to operate upon those who know little, and care less, about them, would it not be advisable to establish a more efficient and accountable police, and to arm and equip one or more companies of volunteers or detached militia, in each county, to be called out when required, and to be paid while in actual service? It is believed that such a force, in aid of the civil authority, would effectually secure the peace of the country; and the public arms belonging to the State could not be placed in safer hands. These State troops might be enrolled for one or more years, be held responsible for the arms and ammunition furnished, and not be suffered to abandon the service during the term of their engagement.

Among the subjects requiring your notice and attention, is the law appropriating funds for Internal Improvements, and the situation of those funds. The act of 1819, relative to that subject, is still in force, and it directs that "the fund for Internal Improvements shall be subject to the order of the President and Directors of the Board, and shall be paid out by the Treasurer of the State to the order of the Board, certified and subscribed by the Secretary and countersigned by the President." The last General Assembly having failed to elect a Board for Internal Improvements, there is no authority for drawing out any part of the fund. The payment of the subscription on behalf of the State to the Cape Fear Navigation Company, the Catawba Navigation Company, and some others, has been demanded. The instalments on these subscriptions have heretofore been paid from this fund, but as there was no authority for disbursing the money, I have refused to grant warrants for the sums so due. These subscriptions, however, are debts voluntarily contracted by the State, and their payment should be provided for.

Another subject demanding your attention is the situation of the funds of the State, invested in the Banks. The time is near at hand when the charters of the several Banks in this State will expire. The stock held by the State in the State Bank of North Carolina, has for some time past only yielded an interest of four per cent. per annum; the stock held by the State in the Bank of Cape Fear has, for the last two years, yielded an interest of only three per cent. per annum; whilst the stock held by the State in the Newbern Bank has not, for nearly three years, yielded any interest.

The period will shortly arrive when all these Banks are authorised by law to make a division of part of their capital stock. The funds vested by the State in these Banks amount to seven hundred and twelve thousand seven hundred dollars, ($712,700.) This amount of stock, at the common interest of six per cent., ought to produce forty two thousand six hundred and seventy-two dollars ($42,672) annually; whereas, in fact, it produces only eighteen thousand five hundred and sixty-two dollars, ($18,562,) not equal to three per cent.

The Treasurer's Report, which will be laid before you, will show that, owing to the large amount of Treasury notes redeemed this year, the taxes collected will fall short of meeting the current expenses of the Government.

Under these circumstances, would it not be advisable to provide for the establishment of a new Bank, in which the funds of the State may be invested, under such regulations as to your wisdom and experience shall be deemed safe and proper? Or shall the State rely, for the accommodation of its citizens and for a circulating currency, upon that portion of the capital of the United States' Bank which has already, or may hereafter be allotted to their office of discount in North Carolina?

I would willingly bring to your notice the important object of opening a navigable communication between the waters of the Albemarle Sound and the Atlantic Ocean, north of Cape Hatteras, and would recommend the application of all the means in your power towards its accomplishment; but believing that, without the aid of the General Government, the resources of the State are inadequate to the undertaking at this time, and the last General Assembly having urged upon our members of Congress the propriety of claiming that aid, we must console ourselves with the hope that this great national work will receive the sanction and support of the National Legislature. Having bestowed such immense sums towards the construction of roads and canals in other States, it is believed that this desirable object, so essential to the interests of North Carolina and of the Union, will not long be overlooked or neglected.

The Literary Fund will claim and receive your favorable attention. The Report of the Public Treasurer will afford you precise information with regard to the amount of cash in his hands, and the situation of that portion of the fund which is not available. It is probably known to all of you that the Trustees of the University did not accept the loan offered them by the last Legislature from this source, so that the whole remains subject to future legislative disposition. The most important item of property transferred by the Legislature to the corporation to whose management the Literary Fund has been committed, are the swamp lands belonging to the State. These lands are believed by many intelligent individuals to be of immense value, and their improvement to be an object second only in importance to the opening and improvement of Roanoke Inlet. It is unnecessary, I am certain, to dwell upon the advantages which would result from the former. They are apparent to all. To convert a dreary waste of waters and marshes into a habitable and fertile region, to insure the means of sustenance and comfort for an immensely increased population, and to give health to a section of country which needs no other blessing, are the certain rewards of a successful attempt at improvement. To your wisdom it is submitted, whether such advantages, which, if attained, do not end with themselves, but tend to the enlargement of a fund which may justly be

regarded as the orphan's legacy, will not justify, and does not demand, a full and early experiment to test the practicability of the measure.

To provide for the improvement of the State, and for the convenience and prosperity of its citizens, by the construction of roads and canals and the opening of rivers, by all practical means, is so obviously the duty of the representatives of the people, and has been so often noticed by my predecessors in office, that I deem it unnecessary to make any further and special recommendation on that subject; and I am pleased to see that individual enterprize is taking that direction, which, I have no doubt, will be properly encouraged.

It is to me a source of much gratification to have observed, and to have it in my power to state, that the excitement which seems to pervade a sister State, upon the subject of the Tariff, has effected little change in the opinions of the citizens of North Carolina. With regard to the policy of that measure, there is, so far as my information extends, a perfect union of sentiment. All deprecate it, as unequal in its operation, and destructive of the interests of the Southern planter. The period, however, has not yet arrived, which, in the judgment of this community, authorises the adoption of doctrines subversive, in their nature, of all order, and manifestly tending to weaken, if not destroy, our whole system of government. This State is justly proud of having given the first legislative sanction to the spirit of the Revolution. The same love of rational liberty which prompted this high example, induced our revolutionary statesmen to consider attentively and anxiously the form of government proposed for their adoption. Satisfied, after full investigation by successive Conventions, that no powers were delegated but such as were essential to the existence and preservation of the Union, it is no matter of surprise that they and their children should support and defend the compact, and neither seek nor desire a remedy beyond it. A new Congress is about to assemble. The same spirit of compromise which adopted the Constitution, must preserve it, or the question whether man is worthy and capable of self-government, remains yet to be solved. The patriotism of the country looks with confidence to the councils of the nation for a wise and liberal system of policy, and will not hastily arrive at the conclusion that the perils of the Revolution were fruitless and vain.

A resolution of the last General Assembly directed the Governor to "cause to be published in pamphlet form a Report relative to the Declaration of Independence by a Committee of Mecklenburg county, with the documents accompanying the same; and also the Journal of the Provincial Assembly of 1776; together with the Proceedings of the Cumberland Association." This publication has been made in a manner that, I trust, will meet with the approbation of the Legislature; and the copies have been distributed in the manner directed.

The agency for adjusting and settling the claim of North Carolina upon the General Government, for expenditures made during the late war in defence of the country, was discontinued by a resolution of the last General Assembly, and our Senators in Congress instructed to urge the speedy payment of the said claim. As this is a matter of considerable importance to the State, I addressed a letter to the Secretary of War, requesting information on the subject, and have received his assurance that the business shall be duly attended to.

I have received from the State of New York an elegant map of that

State, accompanied by a splendid atlas, descriptive of each county. Several of my predecessors in office having recommended a suitable return for similar friendly donations, I have only to add, that a map of North Carolina being nearly completed, an opportunity will be afforded for this State to cancel these obligations in the manner they deserve.

Since the adjournment of the last Assembly, I have received communications from the Governors of several States, with a request that they should be submitted for your consideration. Those from Maine relate to the North Eastern boundary of the United States; to the Tariff of 1828; and the power of the General Government to make appropriations for internal improvements. Those from Vermont relate to an amendment of the Constitution of the United States, proposed by other States. Those from New Hampshire relate to the organization of the militia. Those from Massachusetts relate to the organization of the militia, and to the proceedings of the government of Georgia. Those from Connecticut relate to an amendment of the Constitution of the United States, proposed by other States; to the power of the General Government to make appropriations in aid of the Colonization Society; and to the judicial power of the United States. Those from Ohio relate to the power of the General Government to make appropriations in aid of the Colonization Society. Those from Delaware relate to the public lands of the United States; to the surviving officers and soldiers of the Revolution; to the Tariff and internal improvements; and to the nomination of a President of the United States. These several communications will be found, with their appropriate endorsements, in a file now laid before you, marked A.

The resignations of Justices of the Peace and Militia Officers, received during the recess of the Legislature, are also laid before you, and will be found in the file marked B.

The file marked C, contains two incendiary publications, received through the medium of the post office.

Believing that this Assembly will have much to do in providing for the security of the people; in providing for its own future accommodation; and for the establishment of a new Bank, or so directing the application of banking capital, as to secure a sound circulating currency; and in preventing the injury to individuals, which must otherwise follow, when the charters of the present banks shall expire, these being primary objects for the consideration of the Legislature, I have declined making recommendations, which I had contemplated, relative to the situation of the University and the establishment of common schools, and to the condition of that portion of the Cherokee nation of Indians, that remain within the limits of North Carolina. I am unwilling, however, to close this communication without adverting to the administration of the General Government of the United States, and congratulating you upon the prosperous condition of our national concerns. Our foreign negociations have been fortunate and successful beyond all former example—our differences with other powers have been settled—our commerce is uninterrupted—our flag respected—our commercial intercourse with the West Indies restored—new sources are opened for mercantile enterprize; and large sums of money secured, or received from foreign nations, as indemnification to our merchants for property unlawfully seized. Many of the Indian tribes are peaceably removing to places, whence they cannot annoy us, and will not themselves be injured or interrupted. We are at peace with the world, and our national debt nearly paid off.

Secure in such inestimable advantages, I would ask, for what purpose are we urged to change an administration, that has been so beneficially employed for our common welfare? Of what consequence is it to the people of the United States, that some of the subordinate officers of government have been dismissed by General Jackson, provided the duties required are faithfully performed by their successors? Then let us not rashly aid in the attempt to disturb this prosperous condition of our affairs, by endeavouring to place them in untried hands.

I have the honor to be, gentlemen,

Your obedient servant,

MONTFORT STOKES.

Executive Office, N. C.
November 22d, 1831.

REPORT

OF

THE PUBLIC TREASURER

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA.

Transmitted, according to act of Assembly, on the 24th November, 1831.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

TREASURY DEPARTMENT, No. CA.
21st November, 1831.

SIR,

I have the honor to transmit to the General Assembly a report, prepared in obedience to the act of 1827, entitled "an act concerning the Public Treasury."

I have the honor to be,

With great respect, sir,

Your obedient servant,

W. S. MHOON.

The Honorable the Speaker

of the House of Commons.

REPORT.

TREASURY DEPARTMENT, 21st Nov. 1831.

The Honorable the General Assembly of the State of North Carolina:

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "An act concerning the Public Treasury," the Public Treasurer respectfully submits the following

REPORT AND ESTIMATES.

The balance of cash remaining in the Public Treasury to the 1st November, 1828, was - -		$93,343 59¾
The receipts during the ensuing fiscal year ending on the 31st October, 1829, amounted to - -		101,821 52½
		195,165 12¼
The disbursements during the same period, amounted to		121,151 00
Which deducted, show a balance to 1st Nov. 1829, of		74,014 12¼
The receipts for the year ending 31st Oct. 1830, amounted to		111,106 09¼
		185,120 21½
Deduct disbursements for that year - -		115,369 37½
Showing a balance to 1st Nov. 1830, as reported by the late Public Treasurer to the last session of the General Assembly, of - - -		69,750 84
The receipts into the Public Treasury, from the 1st November, 1830, to the 28th December following, inclusive, (see statement marked A) were	$535 75	
Making with the balance above stated of	69,750 84	
The amount of - -	70,286 59	
The disbursements for the same period (see statement marked B) amounted to	26,532 94	
Which deducted show a balance to 29th Dec. 1830, of		43,753 65
The receipts at the Treasury on account of the Literary Fund, for the same time, (see statement A 2nd) were - -	6,083 60	
Making, with the balance of cash remaining on hand to 1st November, 1830, of	31,371 52½	
An aggregate am't at credit of Lit. Fund to 29th Dec. 1830, of		37,455 12½

The receipts at the Treasury on account of the Fund for Internal Improvement, during the same period, (A 3) were	1,097 12	
Making, with the balance in the hands of the Treasurer at credit of this Fund on 1st November, 1830, of	4,023 88½	
The sum of	5,121 00½	
Deduct disbursements, (B 2)	1,714 29	
Showing a balance due this Fund to 29th December, 1830, of		3,406 71½
The receipts on account of the Agricultural Fund for the same time, (A 4) were	515 73	
Deduct disbursements, (B 3)	40 32	
Showing a balance due this Fund to 29th December, 1830, of		475 41
		85,090 90

The above statements show an aggregate amount of eighty-five thousand and ninety dollars and ninety cents; which, according to the Report of the Committee of Finance to the last session of the General Assembly, was accounted for and paid over by William Robards, Esq. late Pub. Treasurer, and delivered by said committee to the Public Treasurer on the 29th day of December, 1830. It consisted of the following sums, viz.

Deposite in the State Bank North Carolina at Raleigh,	35,862 50
Do do Bank of Newbern do	23,662 57
Do do Bank of Cape Fear at Fayetteville,	16,077 08
Receipts of members and officers of the Legislature passed as so much cash,	5,932 83
Treasury Notes,	3,316 30
Bank Bills,	240 12
	85,090 90

The receipts into the Treasury from all sources of unappropriated revenue, since the 28th December, 1830, to the 1st November, 1831, the end of the fiscal year, amounted to ninety five thousand one hundred and ninety seven dollars and thirty five cents, ($95,197 35) viz.

Cash received of the Sheriffs for public tax, being the revenue of 1830, payable into the Treasury on the 1st October, 1831, and not otherwise appropriated,	$66,452 73	
Ditto on account of additional returns of taxes, (see statement marked C)		282 42
Cash received of William M. Sneed, Commissioner on behalf of the State to adjust certain claims against the United States, being an amount refunded upon settlement of his account with the Comptroller,		72 00
Ditto Bank of Newbern on check of D. L. Swain, per resolution of last General Assembly,		500 00

Cash received of Buncombe Turnpike Company, for dividends on 50 shares of stock owned by the State in said Company,				250 00
Ditto Mrs. E. E. A. Haywood, for rent of public lots in the city of Raleigh,				10 00
Ditto State Bank of North Carolina, for dividends on 2764 shares of stock at 2 per centum for the half year ending in December, 1830,				5,528 00
Ditto Bank of Cape Fear, for dividends on 10 shares of stock at 3 per centum for the year ending 1st Jan. 1831,				80 00
Ditto State Bank of North Carolina, for dividends on 2764 shares of stock at 2 per centum for the half year ending in June, 1831,				5,528 00
Ditto Bank of Newbern, for tax of 1 per centum on their capital stock, (5683 shares) for the year 1831, payable 1st October,				5,683 00
Ditto Bank of Cape Fear, for tax of 1 per centum on their capital stock, (3889 shares) for the year 1831, payable 1st October,				3,889 00
Ditto on bonds for sales of Tuskarora Lands, [statement D]	Principal,	1,400 27		
	Interest,	30 74		
				1,431 01
Ditto on bonds for sales of Lands and Negroes belonging to the late John Haywood, Esq. [E]	Principal,	4,426 63		
	Interest,	736 43		
				5,163 06
Ditto John Halloway, for sales of Public Lands near Raleigh, amount of 2nd bond,	Principal,	337 57		
	Interest,	40 56		
				378 13
Which sums, with the amount passed to the Public Treasurer on the 29th December, 1830, belonging to the Public Fund and before stated to be				43,753 65
Show an aggregate amount of				138,951 00
The disbursements at the Treasury, since the 28th December, 1830, to the 1st November, 1831, for which vouchers have been delivered to the Comptroller, and by him allowed, amount to			76,853 05	
This sum transferred and paid from the *Public* to the *Literary* Fund, according to a resolution of the last General Assembly,	Principal,	28,184 32½		
	Interest,	890 63½		
			29,074 96	
Showing an aggregate expenditure of				105,928 01
Which deducted shows the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable, to the 1st Nov. 1831, to be				33,022 99

The disbursements during the period stated above, and deducted, consist of the following items, viz.

General Assembly,		$40,326 68
Executive Department,		1,883 33
Treasury Department,		2,003 96
Department of State,		1,143 00
Comptroller's Department,		1,000 00
Judiciary,		20,620 05
State Bank of North Carolina, interest on deferred stock,		3,356 24
Adjutant General's Office,		200 00
Public Printer,		450 00
Sheriffs for settling tax,		976 60
Do. for Congressional elections,		525 43
Pensioners,		860 00
Public Library,		75 00
Government House,		692 20
Repairs of State House,		45 79
Money burnt, (currency of 1783 and '85,)		4 65
Contingencies,		2,390 19
Mrs. E. E. A. Haywood, per resolution General Assembly, being the balance of her share of proceeds of real estate according to agreement: Principal $288 04 Interest 11 89		299 93
		76,853 05
Transfer as above,		29,074 96
		105,928 01

For a more detailed exhibit of the items which make up this expenditure, and of payments on account of "allowances or drafts made by the General Assembly, and warrants issued by the Governor," &c. as required by the 11th section of the act of 1827, the Comptroller's Statement, prepared for the use of the members of the present General Assembly, is respectfully referred to. The specification of the disbursements therein stated, is made from the vouchers received, and paid for at the Treasury, and will be found to agree with the entries in the books of this office. The following estimates of the moneys received and expended on account of the Literary, Internal Improvement, and Agricultural Funds, are also submitted in further discharge of the duties required by the several acts of Assembly relating to those funds.

LITERARY FUND.

The receipts of money belonging to this Fund since the 28th Dec'r, 1830, to the 1st Nov. 1831, including the transfer (per resolution) of 29,074 dollars 96 cents, amount to thirty-seven thousand twenty-one dollars and thirty-six cents, and consist of the following sums, viz.

Cash received for entries of vacant land,	$1,684 27	
Ditto for tax on sales at auction received of sundry auctioneers,	277 73	
Ditto for tavern tax received of Sheriffs,	2,594 40	
		4,556 40

Cash rec'd of State Bank of N. C. for dividends on 282 shares of stock, (owned by the President and Directors of this Fund,) at 2 per cent. for the half year ending Dec'r, 1830,		564 00	
Ditto ditto dividend on the above shares for the half year ending June, 1831,		564 00	
Ditto Bank of Cape Fear, dividends on 50 shares of stock, (owned by the President and Directors of this Fund,) at 8 per cent. for the year ending with December, 1830,		150 00	
Ditto Bank of Cape Fear, for dividends (appropriated to this Fund) on 704 shares of stock at 3 per cent. for the year ending with December, 1830,		2,112 00	
			3,390 00
This sum transferred from the unappropriated money in the hands of the Public Treasurer, and placed at credit of this Fund, as directed by resolution of Gen'l Assembly,			29,074 96
Making, with the balance belonging to this Fund and delivered over by the committee of Finance on the 29th Dec'r, 1830, of - - -			37,455 12½
	The amount of		74,476 48½

There has been no expenditure from this Fund for the period above stated.

AGRICULTURAL FUND.

The cash received from all sources, (appropriated to this Fund,) viz. from clerks of the County, Superior and Supreme Courts, and from clerks and masters in equity, since the 28th Dec'r, 1830, to the 1st Nov. 1831, (see statement F,) amounted to - -		258 25	
Amount passed to Public Treasurer by committee of Finance on 29th Dec'r, as above stated,		475 41	
		733 66	
Deduct disbursements (F 2) during that period, made agreeable to the returns of said clerks, &c. and for which vouchers have been taken and passed to the Comptroller,		184 18	
	Balance unexpended,		549 48
This "unexpended balance" is directed by act of Assembly of 1825 to be transferred to the Literary Fund, which, being added, shows an aggregate amount of cash on hand belonging to that Fund on the 1st Nov. 1831, of			75,025 96½

INTERNAL IMPROVEMENT.

The receipts on account of the Fund for Internal Improvement, from the 28th December, 1830, to the 1st November, 1831, amounted to four thousand five hundred and fifty-nine dollars and ninety-eight cents, viz.

Cash received on bonds given for purchases of Cherokee lands, appropriated by law to this fund,		$485 98	
Ditto	Bank of Cape Fear, for dividends (appropriated to this fund) on 1358 shares of stock, at 3 per cent. for the year ending with Dec. 1830,	4,074 00	
			4,559 98
Making, with the balance received from the Committee of Finance on the 29th Dec. 1830, as before stated,			3,406 71½
		An aggregate of	7,966 69½
Deduct this sum, as directed by resolution of last session to be paid to David Rogers, in the way of a credit on his third bond, given for Cherokee land,			22 50
Showing a balance at credit of this fund to 1st Nov. 1831, of			$7,944 19½

There having been no Board of Internal Improvement elected at the last session of the General Assembly, the money appropriated to this fund could not be drawn out of the hands of the Treasurer. Hence the above item of $22 50 forms the only expenditure during the year.

RECAPITULATION.

The foregoing estimates show balances of cash on hand to the first of Nov. 1831, as follows, viz.

Amount as Public Treasurer, : : :		33,022 99
Ditto Treasurer of the Fund for Internal Improvement,		7,944 19½
Ditto Treasurer of the Literary Fund, :		75,025 96½
Showing an aggregate amount of		$115,993 15

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this, and the Comptroller's Office, and for which he is accountable to the first day of November, 1831. That amount is disposed of (as directed by law) in the following manner, viz.

Deposited in the State Bank of North Carolina, Raleigh, and remaining at the credit of the Public Treasurer on the 1st Nov. 1831,	$43,729 64	
Ditto Bank of Newbern do.	29,478 26	
Ditto Bank of Cape Fear, Fayetteville,	16,380 07	
		89,587 97
Worn Treasury notes remaining in the vault of the Treasury,		26,405 18
		$115,993 15

From the foregoing statements, it is observable that the unexpended balance in the Treasury, at the end of each successive year, has been progressively diminishing for the last four years; and that the present balance exceeds the amount of Treasury notes on hand by six thousand six hundred and seventeen dollars and eighty-one cents (6,617 81;) leaving that sum only in the Treasury *available*—a sum that will probably be exhausted in defraying the current expenses of Government before the expiration of the present month. This result has been mainly produced by the great and increased demand on the Treasury for the redemption of worn Treasury notes, and especially in the course of the last year; the partial discontinuance on the part of the Banks to declare dividends; and the transfer from the *Public* to to the *Literary* Fund, of the sum of $29,074 96, as directed by resolution of the last General Assembly. In the absence of further instructions, resort will be again had to the Literary Fund. The following statement shows the amount which at different times has been used of this fund for Government purposes, under the authority of the resolution of last session:

On the 1st Feb. there had been drawn from the Literary Fund				$1,076 53
"	March	do	including the above,	2,181 80
"	April	do	do	2,541 50
"	May	do	do	3,428 45
"	June	do	do	6,861 06½
"	July	the amount had diminished to		2,666 21
"	August	again increased to		7,235 68
"	September	:	:	1,802 23

On the 1st Oct. the receipts from the Sheriffs and other revenue officers had made up the deficiency, and so replenished the Treasury as to enable the aforesaid transfer. If no provision is made to avoid the necessity of it, the draft on this fund, to meet the expense of the present session of the Legislature, cannot be less than forty thousand dollars.

Should it not conflict with other views entertained by the Legislature, in regard to the establishment of another Bank, to permit the present Banks to declare dividends of their capital at an earlier period than that mentioned in the act of 1829, that permission, if acted on, would afford the means of present relief. The immediate connection of the officer of this department with one of those institutions, to wit, the State Bank, furnishes an opportunity of a more intimate knowledge of its affairs. In regard to that institution, it is believed that the interest of all parties would be promoted by such a measure. By it a large amount of the funds of the Bank, which now remain deposited in northern Banks, might be brought into circulation in this State; the present deficiencies of the Treasury relieved; the Legislature enabled to exercise an immediate control over their own resources; and the surplus capital of the Bank, over and above what in the present state of business can be kept active, might be restored to its rightful owners, the stockholders, to be by them circulated or invested in such manner as their own private interest might suggest.

The file marked [I] accompanying this Report, contains a statement of the amount of Treasury notes which have been issued, the amounts at different times redeemed and burnt, and the amount yet unredeemed; showing this last *unredeemed* and in circulation to be ninety three thousand four hundred and three dollars and seventy five cents, [93,403 75,] a large portion of which have probably been lost or destroyed. The rapid withdrawal of these notes

from circulation, which is now in progress, occasions an inconvenience in the payment of small sums, which is severely felt throughout the State, but is complained of especially in transactions at this Department. Being regarded as the agency through which specie change has been driven from circulation, it is naturally looked to as the source from whence it should be restored. It is therefore respectfully submitted whether a small expense should not be authorised, in order to procure from the Mint of the United States such an amount of specie change as will be sufficient for the redemption of Treasury notes when presented in small sums. Such a measure would also essentially facilitate the business of paying and receiving in this office generally. In speaking of the circulation of the State, the remark cannot be withheld, and the fact is too obvious to escape the observation of any one at all conversant with the money transactions abroad in the State, that much inconvenience arises from a different currency obtaining in different sections of the State. Sheriffs and others from the southern and western counties, who have payments to make here, often come prepared with *southern*, while those from the northern counties as often bring *Virginia* bills, to make those payments. On account of the regulations of the Banks of this place, neither the southern or Virginia bills are current here or receivable at the Treasury. The consequence is either an exchange is sought with the merchants and other individuals of this place at a small discount, or the bills are left in pledge until an opportunity occurs of exchanging them. This is the result of one or both of two causes, viz. Virginia on the north, and South Carolina and Georgia on the south, are respectively surcharged with their own local paper; or North Carolina has not a sufficiency to answer the purposes of circulation. So long as paper predominates in so large a proportion, as the medium of circulation for the payment of debts, as it does in this country, the latter is believed to be a principal cause.

The following statement shows the amount of local paper in circulation by the Banks of this State at the periods mentioned, according to their official returns to this office. From this statement it will be seen, that in the space of five years their issues have been curtailed largely more than one half.

Last returns of 1825.		*Ditto* 1830.	
State Bank, -	$1,598,673	State Bank, - -	$655,156
Bank Cape Fear, -	776,417	Bank Cape Fear, -	235,460
Bank Newbern, -	677,597	Bank Newbern, -	325,444
	3,052,687		1,216,060

The returns received at this office since the last year, which are herewith transmitted, show a small increase, chiefly in the issues of the Bank of Cape Fear. But in the natural course of the operation of winding up, curtailments must necessarily be continued. Their statements also show, that preparations for that process are going on steadily and judiciously.

The amount of U. S. Bank paper circulated in this State, at those periods, may be estimated at $369,120, for 1825, and $808,530, for 1830. This estimate is made from the official statements of the Bank itself, by deducting the amount on hand from the amount issued by that branch of the institution located in this State, and is probably not very far from the correct amount. The file marked (L) showing the situation of the branch of the U. S. Bank at Fayetteville, at the dates mentioned, it was thought, might aid in furnishing data upon which to form an estimate of the general condition of the currency of the State. It is therefore submitted.

The President and Directors of the Bank of Newbern, according to the provisions of the act of 1829, entitled "An act to enable the Banks of Newbern and Cape Fear to wind up gradually, and to fix a uniform rate of collection," and agreeable to the valuation fixed upon by the stockholders, have resolved to receive the stock of their Bank, in the payment of debts, at the price of sixty five dollars per share. That valuation has been approved of by the Public Treasurer, although it is regarded as being rather a high estimate.

The money for the reversionary interest of the Tuskarora lands has been all collected, and remains in the Treasury subject to the order of that tribe of Indians, upon their executing to the State a full and complete release, &c. as directed by the act of 1828. They have been informed of its collection, and will probably apply for it soon. The amount, including the interest that has been collected where payment was not prompt, and deducting the expense of selling, is three thousand two hundred and twenty dollars and seventy one and a fourth cents, ($3,220 71¼,) and forms a part of the balance of cash now reported to be on hand.

In obedience to an act of last session, "authorising and directing the Public Treasurer to make sale of certain lands owned by the State," the tracts of land and lots therein named, after being advertised, were publicly offered for sale before the courthouse door of this county; but no bid having been made equal to the amount fixed upon by those directed to value them, no sale was effected. Efforts have also been made to sell privately, and in one instance with success. The tract of land lying on the Tarborough road, known as the "Machine-house tract," has been sold to Charles Manly, Esq. at the price of twelve hundred and twenty five dollars, ($1225.) His bonds for that amount, with security, have been taken, payable at one, two and three years, with interest from the date, as directed by the act. A report of the sale has been made to the Comptroller, and the proper charges made in the books of that office. According to the terms of the act, the Public Treasurer is directed to sell, without providing for the manner of conveying title. There has been some difficulty on this account. In the acts heretofore passed, directing sales of land, &c. by the Public Treasurer, a specific mode of granting title in each instance has been prescribed and authorised. It is, therefore, respectfully suggested, that the same be done in this instance. The remaining tract of land and the two lots mentioned in the act, are yet undisposed of. The land is of that character which is valuable, chiefly on account of its timber and location, being convenient for furnishing this place with fire-wood; and hence it is subject to constant pillages. It is believed, therefore, that the true interest of the State would be best promoted by a sale of it without reserve.

It will be seen, by reference to the foregoing report of the disbursements of the past year, that the contractor for covering the State House and Secretary's Office, under the late act of Assembly, has been paid only for the work done on the latter, that part of the undertaking only having been entirely completed and received by the Commissioners. Payment on the contract for covering the State House has been withheld, and the contractor's bond in the penalty of four thousand dollars, for the due performance of the work, retained on file in this office. It is respectfully submitted to your consideration what disposition shall be made of said bond, and whether payment shall be made according to the terms of the contract. It is due to the enterprise and fidelity of the contractor to state, that the work was projected and executed in a very superior and masterly style.

The file marked (G) accompanying this Report contains a detailed statement of the nett amount of the different branches of revenue, and the cash received thereon, and from other sources not appropriated to particular funds and payable into the Treasury, from the 28th December, 1830, to 1st November, 1831.

A statement of the amount of insolvencies allowed by the Comptroller in settling with each Sheriff respectively, appears from file (H.)

The returns which have been received at this office, from the several Banks of this State, since the 28th of December last, exhibiting a statement of the affairs of each, at the dates therein specified, are contained in file (K.)

All which is respectfully submitted.

WILLIAM S. MHOON, Pub. Treas.

(A)

A statement of moneys received at the Public Treasury of North Carolina, from the 1st November, 1830, to the 21st December following, both days inclusive, showing the amount received on account of each Fund separately.

[1.]

Cash received into the Public Treasury on additional returns public tax,			$56 40	
Ditto on bonds for land and negroes belonging to the late J. Haywood, Esq.				
	Principal,	131 67		
	Interest,	22 31		
			153 98	
Ditto on bonds for sale of reversionary interest in Tuskarora lands,				
	Principal,	322 85		
	Interest,	2 52		
			325 37	
				535 75

[2]

Cash received at this office on account of the Literary Fund, viz.			
" Entries of vacant Land,	5,982 03		
" Needham Cannaday, Auctioneer, Carteret, for tax on sales at auction,	18 91		
" Henry Dewey, Auc'r, Craven, for do.	46 37		
" James Dickson, New Hanover, for do.	25 74		
" George W. Davis do for do.	6 95		
" Nathaniel J. Oliver, Beaufort, for do.	3 60		
			6,083 60

[3]

Cash received at this office on account of the Fund for Internal Improvement, viz.		
" On bonds for Cherokee lands, - -		1,097 12

[4]

Cash received at this office on account of the Agricultural Fund, viz.		
" From sundry Clerks on official returns,		515 73
		$8,232 20

I. WETMORE, Cl'k T. D.

(B)

A statement of the disbursements at the Public Treasury of North Carolina, from the 1st November, 1830, to the 21st December following, both days inclusive, showing the disbursements from each Fund separately.

[1]

On account of the current demands on the Public Treasury, viz.			
" General Assembly,	336 10		
" Executive Department,	390 00		
" Judiciary,	3,210 00		
" Contingencies,	484 25		
" Public Printer,	450 00		
" Sheriffs for settling taxes,	25 50		
" Tuskarora land—expenses,	30 57		
" Bogue Banks,	4 91		
" Treasury Notes burnt by Com. Finance,	21,601 61		
			26,532 94

[2]

On account of the Fund for Internal Improvement.			
" J. Gales,	34 20		
" Governor Owen,	91 30		
" James Mebane, Superintendent, &c.	1,398 69		
" Cadwallader Jones,	31 40		
" J. Gales & Son,	15 70		
" D. L. Swain,	143 00		
			1,714 29

[3]

On account of demands on Agricultural Fund, viz.			
" Osman Harper,	1 40		
" Nathaniel Robards,	12 30		
" Sarah Gordon,	70		
" David Newland,	1 00		
" John Bradburn and M. Bennett,	7 32		
" Stephen Holmes,	2 40		
" Willie P. Mangum,	4 00		
" John Holloway,	5 70		
" Henry Henning,	5 50		
			40 32
			28,287 55

I. WETMORE, Cl'k T. D.

(C)

Statement of cash received in the Treasury from the 28th day of December, 1830, to 1st day of November, 1831, on additional returns of taxes.

Sheriffs.	Counties.	Tax due.	Amount paid. D.	C.
James K. Hill	Duplin	1828	5	33
John Odeneal, late	Rockingham	1829	3	90
Fielding Slater	Rowan	do		38
George Williamson	Caswell	do	44	41
William C. Clanton	Warren	do	3	26
William Carson	Rutherford	do	10	01
Nathaniel Harrison	Buncombe	do	4	82
John Parker	Edgecomb	do	15	98
Wm. M. Chesson	Washington	do	9	32
Richard G. Cowper	Hertford	do	47	55
Leslie Gilliam	Granville	do	16	09
Henry S. Spencer	Hyde	do	32	57
William D. Rascoe	Chowan	do	4	52
Thomas D. Watts	Orange	do	9	00
Thomas B. Wright	Surry	do	1	26
Thomas K. Morrisey	Sampson	do	15	71
Samuel C. Tate, late	Burke	do	14	97
John Coulter, "	Lincoln	do	43	32
			282	42

I. WETMORE, Cl'k T. D.

(D)

Statement of cash received in the Treasury on bonds given for sales of Tuscarora Indian lands from 28th day of Dec'r, 1830, to 1st Nov. 1831.

From whom received.	Bonds paid.	Principal. D. C.	Interest. D. C.	Total. D. C.
Joseph J. Williams	2d	28 50		28 50
Lewis A. Williams	2d	88 71		88 71
Robert A. Jones	2d	179 00		179 00
Willie Bridger	1st and 2d	2 33	06	2 39
John T. Johnston	1st and 2d	55 00	1 53	56 53
W. M. Clarke	2d	137 81		137 81
John S. Smallwood	2d	15 60		15 60
William Blanchard	1st and 2d	111 07½	4 21	115 28½
Joseph B. Outlaw	1st and 2d	203 76	5 24	209 00
Francis E. Ward	1st and 2d	17 01	65	17 66
Noah B. Hinton	2d	69 75	1 02	70 77
Robert F. Purrington	2d	86 20½	1 39	87 59½
William Williams, per Ex'or	2d	183 09	3 90	186 99
John B. Griffin	1st and 2d	136 96	7 78	144 74
John Critchlow	1st and 2d	71 97	4 12	76 09
Lewis Bond	1st and 2d	13 50	84	14 34
		1400 27	80 74	1481 01

I. WETMORE, Cl'k T. D.

(E)

Statement of cash received in the Treasury on the bonds due for the sales of land and negroes, lately the property of John Haywood, deceased, from the 28th day of December, 1830, to 1st of November, 1831.

From whom received.	Bonds paid.	Principal.		Interest.		Total.	
		D.	C.	D.	C.	D.	C.
Mrs. E. E. A. Haywood	1st, 2d & 3d			66	15	66	15
William H. Hunter	3d	130	30	22	80	153	10
J. S. and G. W. Haywood	3d	300	00			300	00
Jonathan Harralson	2d	421	33	78	05	499	38
Arch'd M'Eachin	3d	330	33	61	37	391	70
Stephen W. Cotton	2d	123	00	22	73	145	73
Martin Picket	2d	1,075	00	208	69	1,283	69
Henry M. Miller	3d	120	33	22	60	142	93
Durrell Rogers	3d	70	00			70	00
William Hogan	3d	850	00			850	00
Do do	3d	57	00	173	39	230	39
Fabius J. Haywood	3d	117	00	22	43	139	43
Alfred Williams	3d	132	00	25	28	157	28
Edward Rigsbee	2d	500	00			500	00
Stephen W. Cotton	3d	123	00	26	38	149	38
Minton Jones	2d & 3d	31	34	6	56	37	90
John L. Taylor		46	00			46	00
		4,426	63	736	43	5,163	06

I. WETMORE, Cl'k T. D.

(F)

Statement of receipts and disbursements at the Public Treasury of North Carolina, on account of the Agricultural Fund, from 28th December, 1830, to 1st day November, 1831.

RECEIPTS.

		From whom received.	Official character.	Counties.	Sum.	
1831					D.	C
Jan'y	21	James Morris	Cl'k Sup'r Court	Rutherford		90
	27	Blount Coleman	do do do	Lenoir	5	
Feb'y	7	B. Elliott	deputy do do do	Randolph	6	30
April	1	John H. Drake	Cl'k do do	Nash	10	82
	9	Henry M. Miller	Clerk & Master	Wake	10	80
June	16	James Webb	do do	Orange	142	80
	"	John Taylor	do Co'ty Court	Ditto	1	20
Aug.	18	John L. Henderson	do Supreme do		6	80
	29	John Wood	do Co'ty do	Perquimons	3	73
Sept.	10	James Pearsall	do do do	Duplin	2	85
	22	Stephen K. Sneed	do do do	Granville	6	83
	23	Cornelius Dowd	do do do	Moore	1	50
	26	Richard H. Weaver	do do do	Northampton	1	58
	29	Hardy Bryan	do do do	Jones	6	97
	30	Joseph Williams	do Sup'r do	Surry	4	
Oct.	1	Robert Martin	do Co'ty do	Wilkes	1	30
	12	Ransom Hinton	do Sup'r do	Wake	40	09
	13	Jer'h Pearsall	do do do	Duplin	4	78
					258	25

I. WETMORE, Cl'k T. D.

(F 2)

DISBURSEMENTS.

1831				D.	C.
Jan'y	6	Cash paid	John House and wife,	103	62
		do "	Henry Candle,	2	28
		do "	John B. Harry,	2	30
		do "	J. Forney,	1	30
		do "	Thos. Lowe's ex'r,	2	40
		do "	Benj. Johnson,	1	20
June	16	do "	A. Simonton,	17	40
July	7	do "	W. C. Stanly,	8	
Aug.	11	do "	Albert Perry,	30	27
Oct.	1	do "	W. C. Clanton,		60
	"	do "	Luke H. Paschall,	2	86
	12	do "	Wm. Roane,	4	
	27	do "	John Barnett,	7	95
				184	18

I. WETMORE, Cl'k T. D.

(G)

Statement of the nett amount of the different branches of revenue and the cash received thereon, and from other sources not appropriated to other Funds, and payable in the Treasury, from the 28th day of December, 1830, to 1st of November, 1831.

Branches of Revenue of 1830 and from whom Cash has has been received.	Amount.		Aggregate.		Am't paid.	
	D.	C.	D.	C.	D.	C.
Tax on Land	23,641	56				
Do Town Property	1,357	66				
Do Polls	28,211	35				
Do Stud Horses	1,666	31				
Do Gates	193	90				
Do Artificial Curiosities	803	70				
Do Natural Curiosities	493	50				
Do Billiard Tables	470	00				
Do Stores	7,451	66				
Do Pedlars	2,296	62				
Do Negro Traders	28	20				
Penalty for failing to settle	400	00				
			67,014	46	66,452	73
Bank Tax.						
Bank of Newbern,	5,683	00				
Bank of Cape Fear,	3,889	00				
			9,572	00	9,572	00
Bank Dividends.						
State Bank of North Carolina,	5,528	00				
do do	5,528	00				
Bank of Cape Fear,	30	00				
			11,086	00	11,086	00
Miscellaneous.						
Additional returns of public tax,	282	42				
Dividend Buncombe Turnpike Comp'y,	250	00				
David L. Swain, fee returned,	500	00				
William M. Sneed, refunded,	72	00				
Tuskarora bonds, Principal, $1,400 27						
Interest, 30 74						
	1,431	01				
John Holloway, Principal, $337 57						
Interest, 40 56						
	378	13				
Sale of land and negroes,						
Principal, $4,426 63						
Interest, 736 43						
	5,163	06				
Land rent,	10	00				
			8,086	62	8,086	62
			95,759	08	95,197	35

I. WETMORE, Cl'k T. D.

(H)

Statement of Insolvents allowed by the Comptroller to the Sheriffs, in their settlement of the taxes of 1830.

Sheriffs.	Counties.	Amount. D.	C.
Thomas Ward	Lincoln	9	00
Salathiel Stone	Stokes	29	40
James Long	Perquimons	4	40
Thomas B. Wright	Surry	28	40
James H. Wood	Northampton	9	00
Hiram Caldwell	Iredell	18	40
William Crawford	Richmond	10	00
Absalom Fulford	Carteret	17	00
Richard G. Cowper	Hertford	21	40
James C. Cole	Craven	37	60
Leslie Gilliam	Granville	21	00
Allen S. Ballinger	Johnston	4	80
James Simmons	Halifax	33	40
Henry G. Williams	Franklin	13	40
William Kenneday	Davidson	15	80
William Hampton	Wilkes	10	60
James Riddick	Gates	20	60
Fielding Slater	Rowan	64	40
James W. Doak	Guilford	47	40
John Parker	Edgecomb	19	80
Isaac Baxter	Currituck	9	00
William R. Hinton	Wake	11	40
William C. Clanton	Warren	10	80
Joseph Medley	Anson	16	20
Joshua A. Pool	Pasquotank	23	81
Horace D. Bridges	Chatham	22	60
William C. Butler	Burke	21	60
William Carson	Rutherford	25	80
William D. Rascoe	Chowan	4	40
John W. Taylor	Greene	5	20
James S. Clark	Pitt	20	80
		607	41

I. WETMORE, C'lk T. D.

(I)

Statement of Treasury Notes issued and reported by John Haywood, Esq. former Public Treasurer, to the Comptroller of the State, to have been put in circulation according to the acts of Assembly of 1814, 1816 and 1823.

Amount issued under the act of 1814,				$82,000 00
Ditto		1816,		80,000 00
Ditto		1823,		100,000 00
				262,000 00
Amount burnt by Committee of Finance according to the Comptroller's Report of 1819,			$943 34	
Ditto	ditto	1821,	7,710 00	
Ditto	ditto	1822,	9,784 52	
Ditto	ditto	1823,	6,310 51¼	
Ditto	ditto	1824,	5,696 25	
Ditto	ditto	1825,	12,170 89¼	
Ditto	ditto	1826,	15,392 46	
Ditto	ditto	1827,	15,523 98	
Burnt by com. of Finance,		1827,	9,303 76	
Ditto	ditto	1828,	17,781 89	
Ditto	ditto	1829,	19,971 85½	
Ditto	ditto	1830,	21,601 61	
				142,191 07
				119,808 93
Deduct amount on hand in the vault of the Treasury				26,405 18
Showing a balance unredeemed and in circulation of				93,403 75

W. S. MHOON. Pub. Tr.

(K)

Proceedings of the Stockholders of the Bank of Newbern, January, 1831.

At a meeting of the Stockholders of the Bank of Newbern, convened at the Banking-house in the town of Newbern, on Monday the 3rd of Jan'y, 1831. The meeting was organized by the appointment of Duncan Cameron, Esq. as President, and John H. Bryan, Secretary.

On motion of Gen. Saunders, it is ordered, that a committee of five be appointed to take into consideration the general state and condition of the Bank, to ascertain the value of the stock, and to report thereon, and also to recommend any measures they may deem necessary to promote the interests of the institution; whereupon, Judge Donnell, General Saunders, William Hollister, Asa Jones and John H. Bryan were appointed said committee.

The meeting then proceeded to an election of Directors of the Principal Bank, for the present year, (1831,) which resulted in the choice of the following gentlemen, viz. Wm. Gaston, Edward Graham, Francis Hawks, Isaac Taylor, John Justice, Wm. Hollister, Elias Hawes, M. H. Lente, John H. Bryan, John Snead and Charles Shepard, each of these gentlemen receiving 646 votes, being the whole number represented.

It is resolved by the meeting that a salary of 1200 dollars be allowed the President of this Bank annually.

The meeting adjourned subject to the call of the Chair.

January 7th, 1831.

The meeting being convened by the call of the Chair, the committee appointed to take into consideration the general state and condition of the Bank, after having examined the accounts of M. C. Stephens, late Cashier, find the said M. C. Stephens to be responsible to the Bank for a large amount, and the committee having received a proposition from said M. C. Stephens to convey to them (said President and Directors) certain property, real and personal, in consideration of being released from said responsibility, both as to himself and his sureties, and also from his private debt to said President and Directors, the said meeting having considered the said proposition, do accept the same, and recommend that the President and Directors of said Bank do ratify the same. Whereupon, it is resolved,

1st. That the proposition of said M. C. Stephens be accepted upon the terms therein mentioned.

2ndly. That thereupon the said M. C. Stephens and his sureties be released from all responsibilities arising from his having heretofore been Cashier of said Bank; and further, that said Stephens be released from his personal debt to said President and Directors, due by note dated the 13th of December, 1830, for $3,350.

The meeting adjourned till to-morrow morning, 10 o'clock.

Saturday, January 8th, 1831.

The Stockholders met pursuant to adjournment. Gen'l Saunders, from the committee appointed to take into consideration the general state and condition of the Bank, &c. made the following Report, accompanied with the Resolutions annexed thereto.

REPORT.

The committee appointed to inquire into the general state and condition

of the Bank, having discharged the duty assigned them, report, that the committee have examined, with great care, the various accounts and other transactions connected with the institution, in order to enable them to lay before the Stockholders its condition, and to recommend such measures as their interest and the future operation of the Bank seemed to demand.—This investigation has necessarily been tedious, but as the committee believed indispensable to a proper understanding of the affairs of the Bank, and called for under the existing state of things. The committee cannot say that the examination has been entirely satisfactory to themselves, though they believe the result is as nearly correct as it was practicable to obtain. The statement which follows exhibits the actual condition of the Bank, predicated upon such parts of its funds as were deemed available, and which the committee believe so far correct as to enable the Stockholders to see its present state, and to estimate with reasonable certainty the true value of its stock.

FUNDS.

Debts due the Bank and Agencies, deemed good, -	$1,072,309
Bank property, real estate, and estimated value, - -	34,281
Sherwood Haywood's deficiency, estimated as likely to be good,	20,000
Bills of exchange and foreign notes, - . -	74,261
Specie and United States notes, - - -	61,325
General profit and loss, being nett gain since last dividend,	53,393
Balance loss on capital stock, - . - -	222,696
	$1,538,265

LIABILITIES.

Capital stock as reduced by Bank purchases, -	$789,800
Deposites liable to checks, - - -	89,697
Due Foreign Banks, - - -	319,704
Dividends unpaid, supposed to be - - -	1,000
Bank notes in circulation, - -	338,064
	$1,538,265
Estimated condition of Funds, - - -	1,315,569
Ditto Liabilities, - -	748,465
Balance applicable to the payment of stock, - -	$567,104

As it appears from this estimate that a large portion of the funds of the Bank must remain unproductive, and the State tax will continue on such part of the capital stock as shall not be extinguished until the year 1835, in addition to the contingent expenses, the committee believe sixty-five dollars per share a reasonable value for the stock at the present time.

In regard to the economy and future expenses of the institution, the committee have sought to retrench every expenditure which they believe could with safety and propriety be made. With this view, they recommend that the Agency at Milton should forthwith be discontinued, and the debt removed to the Agency at Raleigh, where it can be managed at a less expense, and be under the more immediate control and supervision of the Directors

of the Principal Bank. With the same view, the committee recommend the discontinuance of the Agency at Charlotte, so soon as it can be done consistent with the interest of the Bank and its present engagements. In the same spirit of economy, the committee are induced to recommend the employment of but one clerk at the Principal Bank, believing him competent to the discharge of its present business.

In accordance with the terms of the amended charter of the Bank, as expressed in the act of 1829, and to discharge as early as practicable the debts due foreign Banks, the committee recommend that the Directors should, in every possible case, require a rigid compliance with the terms prescribed on the renewal of notes; and that in all cases when the debt is considered of doubtful security, it should, if practicable, be strengthened. In order still further to concentrate the means of the Bank, and to hasten the final adjustment of its affairs, it is deemed advisable at once to dispose of all the property of the Bank not necessary to its banking operations.

The committee spent some time in the investigation of the accounts of M. C. Stephens, late Cashier of the Bank; but having received from him certain propositions pending this investigation, which they thought it prudent at once to make known to the Stockholders, which being accepted by them, the committee have not thought it necessary to take any particular notice of that matter, further than to remark that the property conveyed by him, and valued at 10 to 12 thousand dollars, forms no part of their estimated funds of the Bank; and although a part of this sum will certainly be realized, yet, as they may have taken into their calculation a larger amount of debt that will prove *bad* than what they have rejected as *doubtful*, it is thought most prudent not to alter their estimate. It will be necessary that the Directors close the books of the late Cashier, and cause the proper entries to be made by the present one. In conclusion, the committee report certain resolutions which they recommend to the adoption of the Stockholders, viz.

1st. *Resolved*, That the value of stock be fixed at the rate of 65 dollars per share.

2ndly. *Resolved*, That the Directors shall in no case receive stock, unless in payment of debts of doubtful security, or when it shall tend to enhance the value of property sold by the Bank, or for its benefit: provided that the amount so received shall not during the current year exceed one hundred thousand dollars.

3d. *Resolved*, That the Agency at Milton be discontinued, and that the debts due be transferred to the Agency at Raleigh; that the Agent's salary at Milton continue until the 1st day of July next, and no longer; that the Agent at Raleigh, with the approbation of the President, be authorised to employ an additional clerk for one year, and no longer, whose salary shall not exceed 400 dollars.

4th. *Resolved*, That the President be requested to visit the Milton Office at the earliest convenient period, to investigate its condition and take such steps as he may deem advisable for carrying into effect the foregoing resolution.

5th. *Resolved*, That the Agency at Charlotte be discontinued so soon as it can be done consistently with the interest of the Bank and present engagements, and so soon as arrangements can be made for the collection of its debts elsewhere.

6th. *Resolved*, That but one clerk be employed at the Principal Bank in Newbern, who shall act as clerk and teller, and whose salary shall be eight hundred dollars per year.

7th. *Resolved*, That the whole of the property belonging to the Bank be sold, excepting the banking houses and other property necessary for banking purposes at Newbern and Raleigh, upon such terms as the Directors shall prescribe.

8th. *Resolved*, That the President and Directors of the Principal Bank be, and they are hereby requested to carry the foregoing resolutions into effect.

All of which is respectfully submitted.

R. M. SAUNDERS, *Chairman.*

Which report being read, is concurred in, and the resolutions thereunto annexed are adopted by the meeting.

The following ordinances were adopted by the meeting:

Be it ordained by the Stockholders in general meeting assembled, That the stock of this Bank shall be transferable only at the Bank on the transfer book, by a stockholder in person or by attorney duly appointed for that purpose.

Be it further ordained, That no stockholder who now is, or hereafter may be indebted to the Bank as principal or otherwise, shall be allowed to transfer his, her or their stock, or any other part thereof, but with the consent of the President and Directors of the Bank, until the responsibilities of such stockholder to the Bank are satisfied; and all such responsibilities of a stockholder are hereby declared to be, and shall be taken and held to be a lien on all the shares of such stockholder indebted as aforesaid, so long as the responsibilities of such stockholder to the Bank remain unsatisfied.

The meeting then adjourned sine die.

JNO. H. BRYAN, *Sec'y.*
D. CAMERON, *Ch'n.*

A true copy from the Stockholders' Journal.

JNO. W. GUION, *Cash'r.*

Exhibit of the affairs of the Bank of Newbern,

Due to the Bank.	Deemed Good.
	Dollars.
Bills receivable, with interest,	872,839
Property of the Bank,	43,000
Individual debt unsettled,	20,000
Foreign Banks and bills of exchange,	136,757
Specie and United States notes,	35,993
Balance, loss,	226,131
	1,334,720

An Exhibit shewing the situation of the

		Dolls. C.
Specie,	$94,928 30	
Notes of other Banks and bills of exchange,	173,408 41	
Due from other Banks,	184,396 28	
		452,732 99
Bank stock taken for debt,		87,465 00
Due from State of North Carolina,		83,906 11
Due from individuals by notes discounted, &c.		1,809,799 66
Real estate,		207,072 80
Internal bills and checks,		51,196 35
		2,692,172 91

taken on Thursday, the 30th June, 1831.

Due from the Bank.	Dollars.
Capital stock of the Bank,	751,900
Due to Depositos,	55,699
Due to foreign Banks,	253,918
Due to Dividends,	1,000
Due to Bank notes in circulation,	272,203
General profit and loss, nett $88,096,	
	1,334,720

Bank of Newbern, July 20, 1831.

W. S. Mhoon, Esq. Public Treasurer.

Sir,—The above exhibit represents only such debts as are deemed to be good by a late revision of them; and it is believed that an ample allowance is made for the depreciation on the "property of the Bank."

Very respectfully, your obt. servt.

JNO. W. GUION, Cashier.

State Bank of North Carolina, May, 1831.

	Dolls.	C.
Capital stock,	1,598,775	00
Notes in circulation,	728,789	00
Due to other Banks,	8,642	40
Profits reserved to cover bad debts, losses on real estate, &c. and out of which the present dividend of 2 per cent. is payable,	163,014	52
Due to depositos and dividends unpaid,	192,951	99
	2,692,172	91

CHAS. DEWEY, Cash'r.

To William S. Mhoon, Esq.
Pub. Treas'r North Carolina.

State of the Bank of Cape Fear,

	Dollars.
Capital Stock, - - -	601,200
Notes of this Bank in circulation -	343,780
Deposites, - - - -	55,508
Dividends unpaid, - -	4,076
Due to Banks, - - -	281
Profit and Loss, - -	77,557
Ditto by transactions in Stock of this Bank,	25,687
	1,108,089

State of the Bank of Cape Fear, on

	Dollars.
Capital stock, : : :	596,100
Notes of this Bank in circulation, :	358,511
Deposites, : : :	128,409
Dividends unpaid, : :	2,660
Due to Banks, : : :	4
Profit and loss, : :	74,372
Ditto (by transactions in stock of this Bank,)	26,707
	1,186,763

on Saturday morning, 1st of January, 1831.

	Dollars.
Specie Funds,	40,929
Deposites in Foreign Banks,	208,463
Due by Banks in North Carolina,	3,549
Notes of other Banks on hand,	53,641
Real Estate,	77,015
Bills of Exchange,	25,909
Debt, Notes discounted, Judgments, &c.	698,583
	1,108,089

JOHN HILL, Cash'r.

Friday morning, the 1st July, 1831.

	Dollars.
United States Bank notes and specie,	43,940
Deposites in foreign Banks,	306,226
Due by Banks in North Carolina,	2,520
Notes of other Banks on hand,	63,789
Real Estate,	77,053
Bills of Exchange in suit,	25,909
Debt, (notes discounted, judgments, &c.)	667,326
	1,186,763

JOHN HILL, Cash'r.

Bank of Cape Fear, 13th July, 1831.

W. S. MHOON, Esq. Pub. Treas'r.

I forward you above the usual semi-annual statement of this Bank, on the 1st inst. Very respectfully, your ob't serv't,

JOHN HILL, Cash'r.

(L)

A Statement showing the condition of the Branch of the

	Dollars. Cts.
Bills discounted on personal security,	434,576 95
Ditto on Bank Stock,	35,800 00
Domestic Bills of Exchange,	134,999 81
Due from Bank of United States,	12,226 33
Due from State Banks,	298,507 02
Deficiencies,	21,087 05
Banking houses, Bonus, Premium, &c.	32,428 49
Expenses,	128 77
†Notes of Bank United States and Offices,	251,100 00
Notes of State Banks,	23,709 00
Specie,	49,324 65
	1,293,888 07

A Statement showing the condition of the Branch of the

	Dolls. C.
Bills discounted on personal security,	765,793 59
Bills discounted on Bank stock,	15,900 00
Domestic bills of exchange,	72,433 38
Real estate,	23,788 47
Due from Bank of United States,	378,795 60
Due from State Banks,	27,429 88
Losses chargeable on contingent fund,	38,606 38
Deficiencies,	18,087 05
Banking houses, bonus and premium,	13,385 02
Expenses,	233 61
†Notes of Bank United States and Offices,	369,160 00
Notes of State Banks,	42,177 00
Specie,	37,840 07
	1,803,630 05

Bank United States at Fayetteville, 27th December, 1825.

	Dollars.	Cts.
Capital Stock,	500,000	00
*Notes issued,	620,220	00
Discount, Exchange and Interest,	3,392	15
Dividends unclaimed,	107	25
Due to Bank United States and Offices,	57,089	17
Deposites of Treasurer of United States,	51,398	56
Deposites of Public Officers,	27,281	18
Deposites of Individuals,	34,399	76
	1,293,888	07

*Notes issued by this Branch,	620,220
†Notes Bank U. S. and offices on hand,	251,100
Probable circulation,	$369,120

Bank United States at Fayetteville, 27th Dec'r, 1830.

	Dolls.	C.
Capital stock,	500,000	00
*Notes issued,	1,177,690	00
Discount, exchange and interest,	2,551	16
Dividend unclaimed,	99	00
Due to United States' Bank and Offices,	24,467	55
Due to State Banks,	2,174	99
Deposites of Treasurer of United States,	40,554	81
Deposites of public officers,	26,256	90
Deposites of individuals,	29,835	64
	1,803,630	05

*Notes issued by this Branch,	$1,177,690
†Notes of U. S. Bank and Offices on hand,	369,160
Probable circulation,	808,530

REPORT

OF THE

JOINT COMMITTEE

ON THE LEGALITY OF

THE LEGISLATURE

HOLDING ITS SESSIONS WITHOUT

THE LIMITS OF RALEIGH.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

The Joint Committee of the Senate and House of Commons, to whom was referred the resolution of both Houses to inquire "Whether the house in which the Legislature is now convened is within the limits of the city of Raleigh, and if not, whether the Legislature can hold its sessions at any place without the said limits, agreeably to the provisions of the constitution and laws of the State,"

REPORT,

That, as to the first object of inquiry embraced by the resolution, they have obtained no direct evidence upon the point, but are well assured by information perfectly satisfactory, that the building in which the Legislature is now convened is without the limits of the city. As to the second inquiry referred, the committee are of opinion, there is nothing in the constitution or laws of the State which, under existing circumstances, restrains this General Assembly from the full exercise of its legislative functions at the place at which it is assembled. The State House, erected by the State for legislative purposes, is at this time nothing but a heap of ruins; the State has no building in the city in which the Legislature can convene; if, therefore, the present General Assembly is to legislate at all, (except it is to perform its several duties if not wholly, in part, in the open air, and exposed to the inclemency of the season,) it is evident it can assemble at no other spot so near the seat of government as the place it is now convened.

That the seat of the government may be *in* the city of Raleigh, whilst circumstances may occur which require a particular session to be held at another place, is neither contradictory or absurd. To construe the ordinance of the Convention in 1788 as restrictive of all power of legislation, except when the General Assembly was convened at the seat of government, would impute to its framers the design of leaving themselves most feeble, as a political body, at a period when all the energies of the government were most needed. If, for instance, the seat of government should fall into the possession of an invading foe, (as was the case with the city of Washington during the late war,) all power of legislation must become suspended till its evacuation by the enemy, or a peace be concluded. Such an intention cannot be presumed by any thing short of a positive declaration, and would be a libel upon the people assembled in convention for the purpose of forming a more perfect bond of union, establish justice, ensure domestic happiness, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and posterity. In fine, your committee understand the sound construction of the ordinance to be, that the sessions of the General Assembly shall invariably be held at the seat of government, except from inevitable necessity, accident, or some other like reason, it is necessary for the proper exercise of legislative functions that the General Assembly should convene elsewhere, until it shall be otherwise directed by the authority of the people in convention assembled.

REPORT

OF THE

ADJUTANT GENERAL

OF

NORTH CAROLINA.

1831.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

ADJUTANT GENERAL'S OFFICE,
RALEIGH, DECEMBER 3, 1831.

To the Honorable General Assembly of North Carolina.

GENTLEMEN,

I have the honor to transmit the several Returns in relation to the Militia, required to be reported annually from this office to the Legislature, marked from A to D, viz.

A. List showing the counties in which each regiment is situated, the number of Infantry, Riflemen, muskets, shot guns and rifles, in each regiment, brigade and division; and also the number of Cavalry and Artillery.

B. Roster of General and Field Officers.

C. Return of Arms belonging to the State, showing their number, description and location.

D. List of Delinquencies.

I have the pleasure to state, that cases of delinquency, which it is made the duty of the Adjutant General to communicate to the Legislature, are less numerous in the present, than any previous year, and the number of militia returned greater.

The Constitution of the United States having conceded to Congress the sole power of prescribing the organization of the militia, reserving to the States the right only of training, the States are, therefore, bound to conform to, and carry into effect whatever system of organization the national Legislature shall adopt. The system prescribed by the Congress of 1792, now in operation, has been found from experience to be inadequate to the accomplishment of that degree of discipline in the militia, doubtless, contemplated by the act: and the States have long since ceased those exertions which were prompted by the hope of attaining the object in view. And till Congress shall have adopted a different organization, reducing greatly the number of men subject to active duty, I am persuaded it will be useless to attempt, and vain to expect any improvement in discipline calculated to be productive of beneficial results to the militia.

The main defect in this system is familiar to every observing mind, and has so often been repeated in communications from this office to the General Assembly, as to supersede at this time the necessity of more than a single remark on this head. The defect consists principally in the excess of numbers held to service. To subject all free males between the age of 18 and 45, which compose, you may say, the whole effective laboring force of the community, as required by this act, to a course of training, from which that proficiency in discipline necessary to render the militia effective might be expected, would be to impose a tax on the time of our citizens not warranted by their circumstances, nor called for by the best interest of the State. Under such circumstances, it would seem expedient that the laws continued, or hereafter enacted in relation to this subject, should have reference more particularly to enrolling the militia, and to punctuality in returns, rather than that of improvement in discipline.

As a mean of promoting the objects recommended in the preceding para-

graph, I would advise the re enactment of the law, with some modification, however, as to the length of time required to be under arms, requiring company musters four times a year. They afford facilities in bringing upon the rolls men subject to duty, and in the preparation and transmission of returns to the Colonels.

It is from this source all the returns of the Militia emanate; and it is to this source is to be traced the deficiency in the numbers returned with that, which it is apparent from the population of the State, we have grounds to expect; arising, as we apprehend, from deficiencies in officers of companies, in regard to these duties; by which the State is deprived of its just proportion of arms distributed under the standing appropriation by Congress, and apportioned according to the number of militia returned by each State. And should the General Assembly, in their enactments in relation to the police of the State, to which their attention has been directed by the Executive, require of the militia a more perfect state of preparation in arms and ammunition, it will become indispensable that there should be a more frequent calling of companies together, than authorised under the present law, for purposes of inspection; and it is in this character the object of increasing the number of company musters in the year, now recommended, is to be considered.

The frequent resignations of company officers before serving out the time required by law, too often sanctioned by the commanding officers of regiments, and which give rise to daily embarrassments in collecting company returns, call for the imposition of some penalty upon those officers for not noticing the violation of the law in such cases. I would also recommend that all vacancies in companies be filled by Executive appointment, according to the list of names to be commissioned, which shall be furnished the Executive by the Colonels of the respective regiments at the time they make their annual returns to this office, and in no other way. This arrangement would supersede the necessity of issuing blank commissions, so long practised by the Governors of the State, to be filled up by, and for any person; an irregularity, which, upon legal inquiry, would be found to divest such appointments of all responsibility and authority in the discharge of the duties of an officer.

The act of Assembly in relation to the Cavalry allows one regiment to each brigade of Infantry. There being 18 brigades of Infantry, consequently authorises 18 regiments of Cavalry. The act of Congress of 1792 limits the Cavalry and Artillery to one eleventh part of the Infantry. Under the present organization of the Cavalry by our law, allowing one fifth of this description of force alone, must unquestionably be considered a violation of the act of Congress; and should therefore be corrected. I would recommend, that, instead of one regiment to each brigade, one regiment only to each division be authorised. A more propitious time will not likely occur, for making the correction, than the present. There are now, according to the returns before me, only one division with more than a single regiment of Cavalry, while new companies are daily forming in divisions heretofore destitute of this description of force. To afford a channel through which returns of companies already formed, in divisions where no regimental organization exist, may reach this office in a regular way, it is necessary that field officers in such divisions should be elected.

The dispersed situation of the companies composing the regiment of Artillery, renders it extremely difficult for the commanding officer to collect and furnish to this office a full return of his command. To remedy this inconvenience, and to give to the militia of the State a more just proportion

of this description of force, I would recommend the organization of an additional regiment. The first regiment to be limited to the companies within the 1st, 2d, 6th, 7th and 8th divisions; the second to be composed of the companies within the 3d, 4th and 5th divisions; allowing one company only to each brigade that shall hereafter be raised. And with a view of affording greater facilities to the captains in making their returns, so that an account of their respective commands may reach this office through some channel, I would recommend that they be required to furnish a copy of their returns to the Colonels, to the Brigadier Generals of the brigades in which the companies are respectively situated; and that the Brigadier Generals be required to incorporate such returns into their annual returns to the Adjutant General and Major Generals.

When the Artillery and Cavalry shall have been organized as above advised, the organization of the militia of the State will form in its parts a just proportion to each other according to the organization prescribed by Congress.

The quota of arms due from the General Government for 1823, '4, '5, '6, '7, '8, '9 and '30 arrived at Wilmington during the alarm of an intended insurrection of the slaves. Being advised by the Magistrate of Police of the uneasiness for the safety of the arms, which prevailed at that place, and that it had been ascertained the commanding officer at Fort Johnson would receive them in charge for the State, an order was issued immediately for their removal accordingly.

Such was the sensibility of the public mind at that time, that it was believed the arms could not have been transported to the arsenals in the interior of the State without exciting much additional alarm. I am assured by the officer in command at the Fort that the arms will be attended with not the least inconvenience to the garrison.

And should the Legislature direct a further distribution of the public arms among the militia than provided for by act of last Assembly, it is not probable the State will consent to retain for a future and more pressing emergency a less number of arms in effective condition than those above alluded to. Should such be the view taken by the Legislature of the policy of the State, there will be no necessity for the immediate removal of those arms to the arsenals; but should the Legislature come to a different conclusion, the arsenal at Fayetteville will require considerable repairs before the arms can be kept there without injury.

I have the honor to be,

Very respectfully, Gentlemen,

Your obedient servant.

BEV. DANIEL,

Adj. Gen. of the Militia of N. C.

(A)

List, showing the county in which each regiment is situated, the number of Infantry, Riflemen, Muskets, Shot Guns and Rifles, in each Regiment, Brigade and Division; and also the number of Cavalry and Artillery, according to returns for 1831.

No. of Brigade.	Counties.	No. of Regim't	Number of Infantry.	No. of Riflemen	No. of Muskets.	No. of Shot guns	No. of Rifles.
	Currituck	1	852		202	375	1
	Camden	2	763		53	434	3
	Pasquotank	3	844		20	416	
	Perquimons	4	556		13	412	
1		4	3015		288	1637	4
	Carteret	17	540		190	212	1
	Craven	18	1027		6	825	
	Pitt	19	828		104	662	7
	Greene	27	419		2	194	2
2		4	2814		302	1893	10
	New Hanover	30	620			400	
	Brunswick	39	361			248	
	Onslow	24	630		23	445	3
	Duplin	31	911		37	696	16
3		4	2522		60	1789	19
	Bladen	41	617		37	394	25
	Moore	44	754		143	106	
	Cumberland	33	719		140	257	89
	"	34	443		17	138	142
	Columbus	85	438		270	245	43
	Sampson	32	978		88	462	118
4		6	3949		695	1612	417
	Edgecomb	20	570			570	
	"	21	534			337	4
	Martin	13	581		2	500	
	Halifax	14	445			210	
	"	15	532		60	296	
	Northampton	16	580			549	
5		6	3242		62	2442	4

	Chatham	45	1290			580	
	Orange	47	796		32	156	
	"	48	655			268	150
	"	49	644		26	160	201
	Randolph	55	798		41	95	437
	"	56	442			33	230
6		6	4625		99	1292	1018
	Rowan	63	1317	64	80	503	554
	"	64	666		186	202	276
	Davidson	87	709		134	260	48
	"	88	842		112	489	345
	Iredell	52	783		14	251	320
	"	89	744		140		292
7		6	5061	64	666	1705	1830
	Guilford	57	787			220	
	"	58	922		223	299	472
	Rockingham	67	701			452	74
	"	91	656		17	275	113
	Stokes	65	624		87	700	164
	"	66	1038	128		600	300
8		6	4728	128	427	2546	1123
	Ashe	46	929		14	50	802
	Surry	72	724			145	
	"	73	843			293	
	Wilkes	74	648	81	121	109	432
	"	75	465		67	39	406
9		5	3609	81	202	636	1640
	Lincoln	70	918			710	135
	"	71	1229		100	80	638
	Rutherford	76	840		30	60	400
	"	77	853		41	130	144
	"	78	564		8	110	246
10		5	4404		179	1090	1563
	Mecklenburg	68	1067			559	138
	"	69	689		69	265	285
	Montgomery	61	550		6	141	279
	"	60	634	49	73	148	346
	Cabarrus	62	849	50	272	295	333
11		5	3789	90	420	1408	1381
	Jones	25	346		20	307	2
	Lenoir	26	524			310	7
	Wayne	40	761		12	602	32
	Johnston	28	928			498	104
12		4	2559		32	1717	145

	Washington	8	420		56	310	
	Beaufort	12	1024		215	599	1
	Hyde	11	535		74	233	2
	Tyrrell	7	459		117	187	
13		4	2438		462	1329	3
	Anson	53	766			397	185
	"	54	262	39	8	115	107
	Robeson	42	640		95	323	30
	"	43	402		36	120	110
	Richmond	51	402		7	190	151
	"	93	293		7	76	109
14		6	2767	39	153	1221	692
	Burke	79	751		102	71	374
	"	80	400	63	39	48	280
	"	81	707	52		285	250
	Buncombe	82	546		1	84	376
	"	83	972		61	150	595
	"	84	540		30	12	400
	Haywood	86	529		7	26	279
	Macon	90	735	34			476
	Burke	92	256			3	202
15		9	5436	149	240	629	3234
	Caswell	59	1288		8	700	88
	Granville	37	660			467	5
	"	38	661			342	10
	Person	50	801		17	450	42
16		4	3410		25	1959	145
	Nash	22	633		65	494	82
	Warren	23	633			369	
	Wake	35	715		67	217	25
	"	36	706	59	100	371	107
	Franklin	29	737		20	350	10
17		5	3414	59	252	1801	170
	Bertie	9	500		3	420	
	Chowan	5	638			348	
	Gates	6	638			555	2
	Hertford	10	591		105	434	
18		4	2129		108	1757	2

FIRST DIVISION.

Number of Regiments.	Number of Brigades.	Number of Infantry.	Number of Riflemen.	Number of Muskets.	Number of Shot Guns.	Number of Rifles.
4	1	3015		288	1637	4
4	18	2129		108	1757	2
8	2	5144		396	3394	6

SECOND DIVISION.

6	4	3949		695	1612	417
6	14	2767	39	153	1221	692
12	2	6716	39	848	2833	1109

THIRD DIVISION.

6	6	4625		99	1292	1018
4	16	3410		25	1959	145
10	2	8035		124	3251	1163

FOURTH DIVISION.

6	7	5061	64	666	1705	1830
6	8	4728	128	427	2546	1123
5	11	3789	99	420	1408	1381
17	3	13578	291	1513	5659	4334

FIFTH DIVISION.

5	9	3609	81	202	636	1640
5	10	4404		179	1090	1563
9	15	5436	149	240	629	3234
19	3	13449	230	621	2355	6437

SIXTH DIVISION.

4	3	2522		60	1789	19
4	12	2559		32	1717	145
8	2	5081		92	3556	164

SEVENTH DIVISION.

6	5	2972		62	2442	4
5	17	3246	59	252	1801	170
11	2	6218	59	314	4243	174

EIGHTH DIVISION.

4	2	2814		302	1893	10
4	13	2438		462	1329	3
8	2	5252		764	3222	13

AGGREGATE.

98	18	63478	619	4672	28513	13400

CAVALRY.

No Brigade attached.	Col's.	Lieut. Col's.	Majors	Captains.	Commis'd Subalterns.	Noncoms'd Officers and Privates.	Total	Swords	Pistols	No of Companies
8	1	1	1	3	14	128	148	48	103	3
10		1	1	4	11	94	111	90	90	4
11	1	1	1	6	24	227	240	220	201	7
3	2	3	3	13	49	449	499	358	394	14

ARTILLERY.

	Col's	Lieut Col's.	Majors	Captains.	Commis'd Subalterns.	Noncomis'd Officers and Privates.	Total	Swords	Muskts	6 pnd Cannon.
	1	1	1	3	11	128	145	17	75	1

RECAPITULATION.

Infantry,	63,473
Riflemen,	658
Artillery,	145
Cavalry,	499
	64,775

(B)

ROSTER OF GENERAL AND FIELD OFFICERS.

No.	Names.	No. of Division or No. of Brigade.	Date of Commissions.
	MAJOR GENERALS.	Division.	
1	Duncan M'Donald	1	27th December, 1820
2	James M'Kay	2	21st Do 1822
3	John Bird	3	30th do 1822
4	J. O. Williams	8	1st January, 1827
5	Thomas Hawkins	7	15th December, 1828
6	Thomas G. Polk	4	27th do 1829
7	Alexander M'Dowell	5	
8	Nathan B. Whitfield	6	7th January, 1831
	BRIGADIER GENERALS.	Brigade.	
1	William Bethell	8	19th December, 1818
2	Richard T. Brownrigg	18	28th do 1822
3	Solomon Graves	9	28th do 1822
4	William Gregory	1	30th do 1823
5	Richard D. S. M'Lean	10	5th January, 1825
6	Thomas Norman	16	8th December, 1827
7	Alfred Dockery	14	10th do 1827
8	Louis D. Wilson	5	27th do 1827
9	William H. Kerr	7	29th do 1827
10	H. W. Ayer		29th do 1827
11	John Pasteur	2	7th January, 1830
12	George Hoover	6	7th do 1830
13	Peter O. Picot	13	
14	Nicholas Washington	11	December, 1830
15	Joseph Arrington	17	do 1830
16	William Allen		1st January, 1831
17	Alney Burgin	15	1831
18	Vacant	3	

FIELD OFFICERS.

No.	Names.	No. of Reg't.	Dates of Commissions.
	FIRST BRIGADE.		
	Colonels.		
1	S. Salyear,	1	31st January, 1831
2	Elisha Burke	4	27th December, 1828
3	Thomas Dozier	2	27th do 1828
4	Carter Barnard	3	26th do 1830
	Lieutenant Colonels.		
1	Wilson Reed,	4	29th December, 1822
2	Caleb I. Lewis	2	27th do 1828
3	William S. Wilson	1	27th do 1830
4	Blank	3	
	Majors.		
1	John Layden	4	31st January, 1827
2	Cornelius C. Bryant	2	27th December, 1828

No.	Names.	No. of Reg't.	Dates of Commissions.
3	Alfred A. Turner	3	26th do 1830
4	J. W. Hugh	1	27th do 1830
	SECOND BRIGADE.		
	Colonels.		
1	Nathan Fuller	17	3rd January, 1828
2	Benjamin Joiner	19	27th December, 1828
3	Wiley Nelson	18	7th January, 1829
4	Wyatt Moye	27	29th December, 1829
	Lieutenant Colonels.		
1	Rowell Anderson	19	31st January, 1827
2	Benjamin Edwards	27	29th December, 1829
3	William H. Borden	17	3rd January, 1828
4	Blank	18	
	Majors.		
1	John M. Cherry	19	27th December, 1824
2	Buckner H. Hill	17	21st do 1825
3	Moses West Brook	27	29th do 1827
4	Blank	18	
	THIRD BRIGADE.		
	Colonels.		
1	M. W. Campbell	30	23rd December, 1817
2	Daniel M. Dulany	24	1st January, 1825
3	James K. Hill	31	29th December, 1829
4	S. A. Laspeyre	39	27th do 1830
	Lieutenant Colonels.		
1	Brice Fonville	24	1st January, 1825
2	Alexander M'Rae	30	22nd December, 1828
3	J. D. Boney	31	19th do 1830
4	James Dozier	30	
	FOURTH BRIGADE.		
	Colonels.		
1	Willis Jones	41	3rd January, 1826
2	W. W. Dowd	44	24th December, 1828
3	David Gillis	33	29th do 1829
4	Marmaduke Powell	85	29th do 1829
5	A. S. M'Neill	34	30th do 1829
6	Lewis Moore	32	30th do 1829
	Lieutenant Colonels.		
1	William Hancock	44	24th December, 1824
2	Alexander J. Burne	41	3rd January, 1827
3	Daniel Coleman	85	29th December, 1829
4	James H. Hooper	33	29th do 1829
5	H. M. Porter	33	30th do 1829
6	Alexander Murchison	34	29th do 1830
	Majors.		
1	Norman M'Donald	44	24th December, 1828
2	James Maultsbey	85	29th do 1829
3	Roderick D. Gillis	33	29th do 1829
4	William C. Draughon	32	30th do 1829
5	James M. Andrews	41	8th January, 1830
6	A. D. M'Lean	34	27th December, 1830

No.	Names.	No. of Reg't.	Dates of Commissions.
	FIFTH BRIGADE.		
	Colonels.		
1	Carter Jones	16	26th December 1816
2	Raleigh Robuck	13	19th December 1825
3	David Williams	20	29th December 1827
4	Willis Johnson	14	29th December 1827
5	S. Whitaker	15	3d May 1828
6	Bennet H. Bell	21	27th December 1828
	Lieutenant Colonels.		
1	Bryant Randolph	16	26th December 1816
2	Alfred S. Cherry	13	20th December 1828
3	Charles Malry	21	27th December 1828
4	James C. Fosset	14	27th December 1828
5	Joab P. Pitt	20	27th December 1828
6	Edward Crowell	15	4th June 1831
	Majors.		
1	Francis E. Williamson	16	29th December 1824
2	Edwin D. Barns	20	27th December 1828
3	John H. Thrower	14	27th December 1828
4	Absalom T. Benton	21	29th December 1829
5	Asa Biggs	13	27th December 1830
6	Henry Applewhite	15	14th June 1831
	SIXTH BRIGADE.		
	Colonels.		
1	James C. Wren	56	30th December 1829
2	Joseph Allison	48	30th December 1829
3	Jeremiah Holt	49	30th December 1829
4	Zebedee Rush	55	27th December 1830
5			
6			
	Lieutenant Colonels.		
1	George Jordan	48	30th December 1829
2	Peter Julen	56	30th December 1829
3	Robert G. Murdoch	55	27th December 1830
4	Nicholas Albright	49	27th December 1830
5			
6			
	Majors.		
1	Abram Brower	55	3d May 1827
2	John Cheek	48	30th December 1829
3	Garret Lane	56	30th December 1829
4	George Graham	49	30th December 1829
5			
6			
	SEVENTH BRIGADE.		
	Colonels		
1	Elkanah D. Austin	64	29th December 1827
2	Samuel Lemly	63	27th December 1830
3	Hiram Phelps	88	27th December 1830
4	John Murdock	52	27th December 1830
5	Samuel Hargrave	87	27th December 1830

No.	Names.	No. of Reg't.	Dates of Commissions.
6	Thomas M. Saunders	89	27th December 1830
	Lieutenant Colonels.		
1	Milton Campbell	89	27th December 1830
2	John F. M'Corkle	63	27th December 1830
3	Philip Hedrick	87	27th December 1830
4	David Ramsey	52	27th December 1830
5	Caswell Harben	64	27th December 1830
6			
	Majors.		
1	Henry Ledford	88	27th December 1830
2	Francis A. Ward	64	27th December 1830
3	David M. Stephenson	52	27th December 1830
4	Jesse Harris	87	27th December 1830
5	Charles T. Lefford	63	27th December 1830
6	Solomon Laudermilk	89	27th December 1830
	EIGHTH BRIGADE.		
	Colonels.		
1	Joseph W. Winston	66	17th December 1817
2	James Watt	67	20th December 1826
3	Peter H. Dillard	91	31st January 1827
4	William Hanner	58	27th December 1828
5	Edward M'Clements	65	27th December 1828
6			
	Lieutenant Colonels.		
1	Philip Incan	91	31st January 1827
2	Thomas Martin	65	27th December 1828
3	Leonard Ziglor	66	29th December 1829
4	James N. Millis	58	27th December 1830
5		67	
6		57	
	Majors.		
1	William Flinn	65	27th December 1828
2	Thomas Patterson	67	27th December 1828
3	John D. Salmon	66	29th December 1829
4	Samuel Dalton	91	27th December 1830
5	A. E. Hanner	58	27th December 1830
6		57	
	NINTH BRIGADE		
	Colonels.		
1	John Zachary	72	24th December 1823
2	William Horton	75	24th December 1825
3	Thomas Brown	46	29th December 1827
4	William Parks	74	29th December 1829
5	Elisha Arnold	73	7th January 1831
	Lieutenant Colonels		
1	Henry H. Brown	75	30th January 1827
2	John J. Bryan	74	27th December 1829
3	William S. Atwood	73	7th January 1831
4	Vacant	72	
5	Vacant		

No.	Names.	No. of Reg't.	Dates of Commissions.	
	Majors.			
1	George Barnes	75	30th May	1827
2	Mayburg Wellborn	74	27th December	1829
3	Jonathan Horton	46	23d December	1830
4	Henry G. Hampton	73	7th January	1831
5	Richard M. Wright	72	7th January	1831
	TENTH BRIGADE.			
	Colonels.			
1	P. Hoke	71	22d December	1823
2	Jeremiah Gardner	77	30th January	1827
3	Edward Bryan	78	30th December	1829
4	Ephraim A. Brevard	70		
5				
	Lieutenant Colonels.			
1	Elija Walker	77	27th December	1822
2	Abram Mauney	71	22d December	1823
3	William Alexander	78	30th December	1829
4	Jonathan G. Hanna	70		
5		76		
	Majors.			
1	John M'Fadden	78	30th December	1820
2	John Michael	71	23d December	1823
3	Paschal T. Grigg	77	27th December	1829
4	Pinkney Reed	76		
5		70		
	ELEVENTH BRIGADE.			
	Colonels.			
1	Hardy Morgan	61	27th December	1828
2	David Kendall	60	29th December	1829
3	Evan Alexander	69	27th December	1830
4	George Barnhardt	62	5th January	1831
5	Vacant	68		
	Lieutenant Colonels.			
1	John Sloan	68	29th December	1827
2	John Callaway	60	29th December	1829
3	Solomon Reed	69	27th December	1830
4	Calvin H. Chisholm	61	27th December	1830
5	David White	62	5th January	1831
	Majors.			
1	Lindsay F. Cagle	60	29th December	1829
2	Zebulon Morris	69	27th December	1829
3	Moses W. Alexander	68	27th December	1830
4	James White	62	5th January	1831
5	Vacant	61		
	TWELFTH BRIGADE.			
	Colonels.			
1	Simon Jeter	25	7th February	1827
2	John Peacock	28	7th January	1829
3	Samuel Loftin	26	27th December	1830
4	Vacant	40		

No.	Names.	No. of Reg't.	Dates of Commissions.
	Lieutenant Colonels.		
1	Calvin R. Blackmon	40	29th December 1827
2	Lewis Peacock	28	29th December 1829
3	James W. Cox	26	27th December 1830
4	Blank	25	
	Majors.		
1	Calvin Coor	40	27th December 1828
2	Josiah Adams	28	30th December 1829
3	Blank	26	
4	Blank	25	
	THIRTEENTH BRIGADE.		
	Colonels.		
1	Benjamin Watson	11	29th December 1827
2	Joseph Long	8	31st January 1827
3	Richard H. Bonner	12	7th January 1830
4	Hezekiah G. Spruill	7	3rd January, 1831
	Lieutenant Colonels.		
1	Benjamin Brickhouse	7	8th January 1829
2	John Williams	12	27th December 1829
3	Hardy S. Phelps	8	29th December 1829
4	Blank	11	
	Majors.		
1	William Scarborough	11	24th December, 1824
2	L. B. Barfield	7	8th January, 1829
3	Thomas Norman	8	27th December 1829
4	S. Lucas	12	27th December 1829
	FOURTEENTH BRIGADE.		
	Colonels		
1	Donald M'Queen	42	29th December, 1829
2	William G. Smith	53	29th December, 1829
3	John C. M'Laurin	93	27th December 1830
4	Samuel Watson	43	7th January 1831
5	Blank	51	
6	Blank	54	
	Lieutenant Colonels.		
1	John Brown	42	29th December 1829
2	James W. Northrup	53	29th December 1829
3	Daniel Mallay	93	27th December 1830
4	D. M'Phaul	43	7th January 1831
5	Blank	51	
6	Blank	54	
	Majors.		
1	James Blount	42	29th December 1829
2	William P. Johnson	53	29th do 1829
3	Joshua M'Neill	93	29th do 1829
4	Neile Shaw	43	7th January 1831
5	Blank	51	
6	Blank	54	
	FIFTEENTH BRIGADE.		
	Colonels.		
1	David D. Baker	92	30th January 1827

No.	Names.	No. of Reg't.	Dates of Commissions.
2	John Kincaid	79	30th January 1827
3	Aaron Pinson	90	7th January, 1829
4	John L. Smith	86	29th December, 1829
5	Malcolm Horton	82	29th do 1829
6	John Clayton	84	29th do 1829
7	William Brittain	81	7th January 1831
8	M. Alexander	83	
9	Blank	80	
	Lieutenant Colonels.		
1	Ezekiel Burchfield	92	30th January, 1827
2	N. Smith	90	29th December 1829
3	Reuben Deaver	86	29th do 1829
4	John M'Elroy	82	29th do 1829
5	Thomas Blair	80	7th January 1830
6	David Tate	79	25th do 1830
7	George C. Neill	84	24th June 1830
8	John M. Logan	81	7th January 1831
9	Blank	83	
	Majors.		
1	Reuben Erwin	79	30th January, 1827
2	Charles Baker	92	30th do 1827
3	Tilman Harris	81	30th do 1827
4	William Anderson	82	29th December 1829
5	John L. Dillard	86	30th do 1829
6	Wright Hartley	80	7th January, 1830
7	Isaac Wilkerson	84	7th do 1831
8	Blank	90	
9	Blank	83	
	SIXTEENTH BRIGADE.		
	Colonels.		
1	Lewis Parham	38	29th December 1824
2	William W. Price	59	29th December 1827
3	Henry L. Sweaney	50	29th December 1827
4	William S. M'Clenahan	37	8th January, 1831
	Lieutenant Colonels.		
1	Levi Dixon	50	2nd October, 1829
2	Anderson H. Walker	38	23d December 1829
3	Thomas W. Graves	59	27th December 1830
4	John G. Hart	37	8th January, 1831
	Majors.		
1	Haywood Williams	50	2d October, 1829
2	Southern Higgs	38	23d December 1829
3	John C. Ridley	37	8th January, 1831
4	Blank	59	
	SEVENTEENTH BRIGADE.		
	Colonels.		
1	Samuel P. Norris	36	30th December 1824
2	Thomas G. Whitaker	35	29th December, 1829
3	Green Ross	29	29th December 1829
4	John H. Newell	23	24th February 1830
5	Asael Vick	22	12th February 1831

No.	Names.	No. of Reg't.	Dates of Commissions.
	Lieutenant Colonels.		
1	Tignal Jones	36	30th December 1824
2	Allen Bowden	29	29th December 1827
3	Caleb Leonard	22	7th January, 1828
4	John P. Andrews	23	28th August 1830
5	William R. Hinton	35	29th December 1830
	Majors.		
1	William Brown	36	30th December 1824
2	Joseph Jones	23	28th August 1830
3	Adam G. Banks	35	29th December 1830
4	William M. Hammonds	22	12th February 1831
5	Blank	29	

EIGHTEENTH BRIGADE.

	Colonels.		
1	Jesse Everett	9	19th December 1825
2	John D. Pipkin	6	30th January 1827
3	Charles Spiers	10	27th December 1830
4	Jonah M'Kert	5	
	Lieutenant Colonels		
1	Lemuel Reddick	6	30th January 1829
2	George Spiers	10	27th December 1830
3	George Winns	9	4th January 1831
4	Blank	5	
	Majors.		
1	Barnes Goodman	6	30th January 1829
2	Pleasant Jordan	10	10th December 1829
3	David Watford	9	4th January 1831
4	Blank	5	

CAVALRY.

	Colonels.		
1	Matthew Young	8	30th December 1822
2	William C. Means	11	7th January 1830
3	Vacant	10	
	Lieutenant Colonels.		
1	Joel M'Lain	8	30th December 1822
2	William M. Greer	11	7th January 1830
3	Henry Fulenwider	10	
	Majors.		
1	Allen Peebles	8	23d December 1828
2	James Dunn	11	7th January 1830
3	Thomas Dews	10	

ARTILLERY.

S. T. Hawley,	*Colonel,*	27th December 1829
	Lieutenant Colonel,	27th December 1829
	Major,	27th December, 1829

(C)

Arms belonging to the State, their number, description and location.

Places of Location.	Muskets	Rifles	Horse-men's Pistols.	Sa-bres	Noncom. Officers' Swords.	Musket accou-trem'ts	Rifle ac coutre-ments.	Iron 6 pnd. cannon & carriages.
Fort Johnson	3200	1500			500	3310	1504	4
Beaufort county	161							
Halifax	160							
Hillsborough	60							
Chapel Hill	65							
Tarborough	200							
Newbern	200							
Granville	125							
Capt. Bingham	63							
Salem	60							
Stokes	80							
Chatham	60							
Franklin	65							
Johnston	65							
Northampton	65		80	40				
Pitt	100							
Nash	65							
Wake, viz.								
City Guards	80				18			
Citizens of Raleigh	141							
Morgan Whites		80						
Arsenal at Raleigh	599							
Wilmington	200		80	40				
Pasquotank	64							
Rowan	80			50				
Mecklenburg	50							
Buncombe	45							
Haywood	60							
Sampson	12		134	66				
Washington county	80							
Hertford	200		80	60				
Bertie	64		50	50				
Chowan	71							
Perquimons	4							
Stored at Edenton	51							
Robeson	70							
Cabarrus	64							
Cits. of Fayetteville	203		38	17				
Arsenal at do	2248	270		177	302		1774	
Aggregate	9180	1850	462	500	820	3310	3278	4
RECAPITULATION.								
Arsen'l at Fayetteville	2248	270		177	302		1774	
do at Raleigh	599							
Fort Johnson	3200	1500			500	3310	1500	4
In hands of the militia	3133	80	462	303	18			

(D)

DELINQUENCIES.

Returns

To the Adjutant General:

Commanding Officer of the 7th Division.
Commanding Officer of the 2nd do
Commanding Officer of the 8th Brigade.
Commanding Officer of the 9th do
Commanding Officer of the 51st Regiment.
Commanding Officer of the 45th do

Reviews:

Commanding Officer of the 8th Brigade.
Commanding Officer of the 16th do

Returns

To the Brigadier Generals:

Commanding Officer of the 52nd Regiment.

Returns

To the Major Generals:

Commanding Officer of the 16th Brigade.

TREASURER'S REPORT

OF

THE FUNDS

BELONGING

TO THE STATE.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

TREASURY DEPARTMENT, No. CA.
10*th December*, 1831.

SIR,

I have the honor to submit the enclosed statement, prepared in obedience to a resolution of the Senate of the 8th instant, directing the Public Treasurer "to make out a statement of all the funds belonging to the State, specifying their description, the gross amount of each, and report to the Senate, as soon as practicable."

I have the honor to be,

Very respectfully, sir,

Your obedient servant.

W. S. MHOON.

The Honorable the Speaker

of the Senate of North Carolina.

A STATEMENT,

Showing the aggregate amount of all the funds belonging to the State of North Carolina on the first day of November, 1831, prepared in obedience to a resolution of the Senate of the 8th instant.

2764	Shares, stock of the State Bank of North Carolina, owned by the State & unappropriated	$276,400	
282	Ditto ditto, held in the name of the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund,	28,200	
3046	Shares State Bank stock, nominal value		304,600
1818	Shares, stock of the Bank of Newbern, owned by the State and unappropriated,	181,800	
141	Ditto ditto, held in the name of the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund,	14,100	
1959	Shares, stock B'k of Newbern, nominal value		195,900
2072	Shares, stock of the Bank of Cape Fear, owned by the State and unappropriated,	207,200	
50	Ditto ditto, held in the name of the President and Directors of the Literary fund, and purchased with the cash belonging to that fund,	5,000	
2122	Shares, stock Bank Cape Fear, nominal value		212,200
	Amount of Bank investments,		712,700

Amount of actual payments for stock subscribed by the State in the several Navigation, Canal and Turnpike Companies, viz.

Stock	in Roanoke Navigation Company,	49,500
Ditto	Cape Fear Navigation Company,	36,928
Ditto	Yadkin Navigation Company,	25,000
Ditto	Clubfoot and Harlow's Creek Canal Company,	5,000
Ditto	additional subscription ditto,	7,500
Ditto	ditto ditto,	5,000
Ditto	Tar River Navigation Company,	1,200
Ditto	Neuse River Navigation Company,	1,800
Ditto	Catawba Navigation Company,	2,400
Ditto	Buncombe Turnpike Company,	5,000
Ditto	Plymouth Turnpike Company,	2,500
	Amount invested in stock of Navigation, Canal and Turnpike Companies,	141,828

LOANS.

This amount loaned to the Clubfoot and Harlow's Creek Canal Company, under the act of 1826, the repayment of which, with interest, is secured by a mortgage on the canal and the other property of the company,	12,000	
Ditto ditto under the act of 1828, secured by mortgage as above,	6,000	
Ditto loaned to the commissioners of Old Fort Road, under the act of 1829, secured by the bond of said commissioners on file in the Executive office,	2,000	
Balance of loan due from John M'Rae,	3,000	
		23,000

BONDS, JUDGMENTS, &c.

Balance of judgment against John Haywood, former Public Treasurer, which has been carrying interest from August, 1828,	17,819	59	
Bonds given for purchases of land and negroes, lately the property of J. H. dec'd, bearing interest from their respective dates,	4,805	36	
Ditto for other lands, &c. bearing interest from date,	2,423	64	
Balances due from sundry sheriffs, auctioneers and clerks, on account of arrearages, &c.	1,680	55	
			26,729 14
Balance due on Cherokee bonds, estimated from the bond account in the books of this office, which bonds are due, and bear interest from the years 1821, '22, '23 and '24, according to their respective dates,			34,748 34
Unsettled claim against the United States, reported by the commissioners under the resolution of the General Assembly of 1828, to be (exclusive of interest)			30,930 21
Gross amount of cash reported to be in the Treasury, including the several funds, on the 1st Nov. ult.			115,993 15
Aggregate amount of funds belonging to the State,			$1,085,928 84

W. S. MHOON, Pub. Tr.

Treasury Office, 10th Dec. 1831

REPORT

ON

INCORPORATING

THE

MECKLENBURG GOLD MINING COMPANY.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

The committee to whom was referred "a bill to incorporate the Mecklenburg Gold Mining Company," having had the same under consideration, respectfully report,

That, in the very threshold of their investigation, they have been forcibly impressed with the growing importance of the mining interest in North Carolina. Within a few years past, it has attracted much of public attention, and with those who have bestowed some reflection on the subject, it has been the source of a lively hope that the developement of her mineral treasures will contribute, in no ordinary degree, to improve the hitherto depressed condition of our State. Already have the mines afforded much public good, as well as private prosperity. They have been largely instrumental in the restoration of a sound monied circulation, so desirable to every portion of the community. By their assistance, our banking institutions have, at all times since their successful operation, been enabled to procure funds and a redeeming capital, which had the ability to sustain their currency. A large addition has been made to the active capital of the State, both in the way of investment and in the amount actually rendered by the mines. This benefit has been felt by all. But the mining district of the State has, in a peculiar manner, been indebted to their discovery and operation for much prosperity, and her extrication from difficulties and embarrassments, which were sorely felt in common, at one period, by every section of the State, and which were ruinous and inevitable. Every branch and exertion of industry have received their rewards. The productions of agriculture and the various improvements of art have met with a liberal encouragement; the value of real property enhanced; the disposition to emigrate checked; bankrupt individuals restored to competence and fortune; agriculture and the mechanic arts improved; high prices for labor and constant employment; a home market furnished; enterprize stimulated; few debts; an increased attention to the comforts of domestic life; education diffused; liberality of public sentiment; improvement in the habits of society; population increased; and new fields opened to adventurers for fortune and fame: These are some of the benefits that, under the influence of the mines, have diffused themselves among every class of the community, like blood through the animated system.

But there is another view in which the mining interest may be regarded with anxious concern, and which ought, in the estimation of your committee, to be the foundation of a liberal policy extended to mining enterprize in the State. Various causes have combined, for several years, to render labor applied to the ordinary staples of the South of less value than before. These causes, it is feared, will continue to operate with additional force. With the increase of population, and the probable diminution in the value of slave property, the application of labor in the same channel will necessarily diminish the price of Southern staples. All surplus labor on any one branch must be diverted. In this state of things, and under disadvantages peculiar to a people who are without a large foreign commerce—without roads and canals—without a cash home market—without manufactures, and deprived of many other sources of national aggrandizement, the discovery

and developement of the mines will open a new, extensive and fertile field for individual and public enterprize, for the happiness and prosperity of our State.

From these facts and reasons, and from every other consideration that your committee have been enabled to bestow on the subject, they are convinced that it would be good policy to cherish, with a prompt and liberal encouragement, the mining operations of the State. This can only be effected by inducing an investment of sufficient capital, either domestic or foreign, or both, for that purpose. For however substantial the benefits may have been which have hitherto been derived from this source, yet it cannot be denied that previous expenditure in mining has been chiefly by way of experiment; and that the present condition of the operations urges the adoption of some new system, by which the mines may be wrought under more favorable auspices.

Your committee presume it will not be questioned that mining prosecutions will rarely, if ever, be attempted by individuals singly, and without aid from associates in the undertaking. It has never been done to any profitable extent in this country; and in richer and older countries, where wealth is often overgrown, and is not distributed with so equal a hand as here, all experience has demonstrated that private and unassisted opulence, however immense, has never been devoted to the exploration of the mines, and would be wholly inadequate to the object.

This remark applies, with additional reason, to all "vein mines," which must be sought for, if successfully, to great depth and at great expense; and which, while they are always the most permanent and profitable, are at the same time the most expensive. This is the class now seeking Legislative assistance.

The insufficiency of individual capital is owing, also, to the very uncertain and hazardous character of all mining enterprize—a character which has ever been proverbial. Some untoward event may disappoint the best grounded hope, and frustrate the wisest calculations. This has already been experienced in North Carolina and in every mining country, and is more especially the case when some progress is made; when water is reached; when fortifications and other defences are indispensable; and when, without consummate skill, every day subjects the proprietors to accidents which may annihilate the most sanguine anticipations.

Your committee, then, are justified in affirming that an association of individuals, in some way or other, is absolutely requisite for the security of capital invested for mining purposes; and that every prudent man would embark in such perilous and costly undertakings only such sum as he could sacrifice without placing his whole fortune in jeopardy. Of such associations, there are but two kinds, either corporate or copartnership associations. To the latter, the reasons which are to be found in the hazard and immense expenditure of mining offer an insurmountable barrier; and the objections are magnified when connected with the legal liabilities of a partnership. The profits, too, in a copartnership, are not at all proportioned to the risk run. No matter in what degree a person may be interested in such a concern, if it be but for one cent, or to thousands of dollars, he is responsible for all the contracts, and subject to all the misfortunes of the company, however numerous, or however various their interests. A variety of casualties may expose the richest partner to poverty and utter ruin. No one

will adventure in an enterprize so expensive and uncertain, and where he may be liable to the mismanagement and indiscretion of a distant superintendent, and where he risks not only the amount originally invested, but his whole estate. In a partnership, also, the death, or any legal disability of any party, however numerous the association, dissolves the concern; and a transfer of his interest will not free him of his liability. There is scarcely a possibility of its duration for any length of time; and new and intricate rights and duties are constantly springing up. Your committee, therefore, are satisfied that partnership associations do not afford facilities and inducements to capitalists to incline them to invest in any degree proportioned to the richness of our mines, or to the importance of the policy which it is so vitally our interest to promote.

The objections adverted to, do not hold in relation to corporate bodies. The stockholder is liable only to the amount of his subscription, and may transfer his interest without endangering his private fortune. The existence of the corporation, too, is not subject to chance. So essential is some principle of this kind, that in all extensive mining countries, adventurers are secured in these privileges by the general law.

There is at this time in the U. States a vast amount of surplus capital, which will be much increased by the extinction of the national debt, that would be directed to mining; and by being spent among us, would necessarily advance the general prosperity. Your committee, therefore, recommend the policy of incorporation for mining objects, under such restrictions and regulations as the Legislature, in its wisdom, may think fit to impose, and not incompatible with the proper and essential rights of the corporators. For it becomes the duty of the power granting the concession, to secure the object contemplated without injuring the community. Mining in North Carolina is yet in its infancy; and, even in its infancy, the large amount of capital already expended has given an impulse clearly perceptible in the advancement of her interests. Policy dictates the continuance of this impulse. It has been said, with much propriety, that "the precious metals can never glut the market, nor mining for them be overdone." There can be no monopoly. Every establishment is useful to its neighbor; and every introduction and investment of capital, whether successful or not, constitute an important addition to the common stock.

Your committee are deterred, by the length of their report, from the prosecution of an inquiry which might be usefully extended.

In the bill immediately under their consideration, they are satisfied that the rights of the corporators and the interests of the community are equally indemnified; and, with some slight amendment, which will be offered, they recommend its passage into a law, and believe that its rejection would prove injurious to the best interests of North Carolina.

All which is respectfully submitted.

D. M. BARRINGER, *Chmn.*

REPORT

RELATIVE TO THE

STATUE OF WASHINGTON.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

The Joint Select Committee, to whom was referred the message of the Governor, communicating the proposition of Mr. Ball Hughes to restore to its former condition the Statue of Washington belonging to North Carolina, have considered the subject, and beg leave respectfully to Report:

Among the regrets occasioned by the late destruction of the State House, it is believed by the committee that none have been more deeply or generally felt by the citizens of North Carolina than those which were excited by the mutilation of the monument, which the gratitude of the State had caused to be erected to the memory of the Father of his Country. True it is, that while a heart beats amongst us to which liberty is dear, or which can swell with admiration for patriotism, the name of Washington must live—embalmed in the affections and consecrated by the reverence of his countrymen. No storied urn nor animated bust is needed to perpetuate the glory of his achievements, or to rescue from oblivion the recollection of his services. But the people of this State had a right to be proud of the evidence they had exhibited of the intensity with which they delighted to cherish his memory. Limitted in their means, plain in their habits, and economical in their expenditures, on this one subject they had indulged a generous magnificence. At their bidding, the genius of Canova had given to the marble of Carrura the impress of his noble figure, and this last and greatest work of the first sculptor of the age was to be seen in the capitol of our unpretending State, gratifying the curiosity of our own citizens, attracting the attention of strangers, and fixing the admiration of the lovers of the arts. A full heart had thus spoken, and was relieved by this expression of its feelings.

The erection of this Statue by the people and their representatives was the result of a generous impulse of nature. But the act was not the less recommended by a sound and sagacious policy. A monument like this was a book which all could read, and which bade the most thoughtless and inattentive to inquire and reflect. To the Legislator, as he passed by to the Council Hall of the State, as well as to the ardent and young of every condition, it taught a lesson the most salutary, and not the less impressive because it was communicated without the formalities of instruction. While it refuted the calumny which stigmatises republics as ungrateful, it taught that true glory is the meed of virtue, and that, though temporary popularity may be gained by courting public favor, permanent renown, the renown which triumphs over the grave, is awarded to him alone who seeks the public good with pure and devoted disinterestedness. Besides, few sentiments are found to be more congenial with patriotism, or more favorable to public and private virtue, than a rational State pride. As no one can love that of which he is ashamed, so it is impossible not to regard with affection the community of which we are proud to be members. The duty of advancing the prosperity, defending the rights, and cherishing, improving and perpetuating the institutions of our country, is performed with ardour when that country stands high in our own estimation and is known to be respected by others. To serve it becomes a pleasure and ceases to be a task, when we feel that it is worthy of our service; and every, even the humblest, citi-

zen of a free State appropriates to himself a portion of the reputation which belongs to the State itself. As that reputation is raised, his self-respect is increased; and if self-respect be not itself a virtue, it is assuredly one of the best safeguards against the degradation of vice.

Impressed with these sentiments which they entertain in common with the great body of our people, yet unacquainted with operations of the kind proposed by Mr. Hughes, and comparing the present mutilated and defaced Statue with its former well remembered perfect and finished state, the committee entered upon the proposed inquiry with strong fears that an entire restoration was impracticable. They rejoice to say that these fears have been dispelled. If confidence can be reposed in the testimony of the most honored and enlightened men in our land, Mr. Hughes is competent to accomplish all that he promises. If a judgment can be formed from what he has already done, the task which he pledges himself to execute is not beyond his ability. With perfect candour he has laid before the committee the details of his intended operations, and has invited the freest inquiry from every member. Your committee fully believe that he can not merely repair, but restore the Statue, perfect, durable and with all its original grandeur and elegance. He engages to do this for the sum of five thousand dollars, to be paid to him in such equitable instalments as may be arranged between himself and any person whom the Legislature shall designate. Mr. Hughes has also entered into a statement of the probable costs and expenses attending the proposed undertaking, which satisfies the committee that it cannot be to him one of much pecuniary emolument. Indeed, gain appears to weigh but little in his estimation. With the enthusiasm of an artist devoted to his profession, he seems impelled by the ambition of becoming the restorer of the Statue of Washington, and thus to connect his name with that of the great Canova.

One fact highly honorable to the disinterestedness of Mr. Hughes, your committee take pleasure in stating. A necessary preliminary step to the restoration of the Statue is the making of a perfect cast in Plaister. It is represented to your committee that in all such cases it is usual for the artist to retain this model in order that he may be enabled to exhibit it as a specimen of his skill. Upon the intimation of a wish that he would forego this claim, Mr. Hughes readily assented, upon condition that he might be permitted to present the cast to the University of our State.

The Statue is the property of the people of North Carolina. It cost them a large sum, and in the estimation of competent judges its value exceeded the cost. In its present condition it is without use and without value. The inclemencies of our atmosphere, unless its injuries be immediately repaired, must soon destroy it entirely. The duty of attempting its restoration ought to be begun now, or abandoned altogether.

In the opinion of your committee it would be a wasteful parsimony, by a refusal of five thousand dollars, to permit the destruction of public property worth five times that sum. In their opinion, the abandonment of this once magnificent monument to the fate with which it is threatened, would subject North Carolina to the just reproach of the other States of the confederacy, of all who venerate the memory of Washington, and of the admirers of genius and art throughout the civilized world. In their opinion, though the people of North Carolina may be poor, they are ready to encounter any expenditure which is demanded by a just respect for themselves; and your

committee believe that the Legislature would little consult either the character or the wishes of those whom it represents, if it refused to embrace this opportunity of re-erecting the Statue of him, who, living, was always first in the hearts of our fathers, and whose name is now enshrined with the same precedence in the affections of their sons.

The committee unanimously recommend the following resolution:

Resolved, That the Governor be authorised and requested to make a contract with Mr. Ball Hughes for the restoration of the Statue of Washington upon the basis of the principles set forth in this report, and that he be authorised to draw warrants on the Treasury from time to time to an amount not exceeding five thousand dollars, in order to carry such contract into effect.

Respectfully submitted.

WILL. GASTON, for the committee.

REPORT

OF THE

SELECT COMMITTEE

RAISED TO INQUIRE INTO THE

AMOUNT OF DIVIDENDS AND BONUS

DIVIDED BY

THE BANKS OF NORTH CAROLINA, &c.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

The Select Committee, who were instructed by resolution to inquire into, and report to this House what amount of dividend and bonus the Banks of North Carolina have divided, and the rate of dividend, from the year 1810 up to the last semi-annual exhibits published by said Banks; also the amount of specie reported to be in the Banks, and the amount of notes in circulation, as shown by their exhibits; also, as far as practicable, the amount of specie paid into the Banks on the original stock subscribed, designating the amount of dividends received by the State, and the amount received by individuals; also the amount of debts due the Banks in this State, (including the branch of the United States Bank at Fayetteville,) and the amount of interest paid on said debts; also the amount of per cent. made on the specie paid into these Banks as stock, as far as the same can be ascertained, have had the same under consideration, and report:

Your committee have not been able to collect all the information embraced in the two resolutions upon which they have had to act. They have been unable satisfactorily to ascertain the amount of specie paid in the three Banks chartered by the Legislature of North Carolina. They mainly base their report on that subject on the report of the committee of both branches of the Legislature, made in 1828, before whom the subject was well investigated. By that report it would appear that about 500,000 dollars in specie was paid on the stock of the State Bank, and perhaps about 500,000 dollars in specie into the Cape Fear and Newbern Banks, in about equal portions each. The committee, therefore, put the amount down at $1,000,000, although they are greatly inclined to believe that the amount is over, rather than under the real amount. The other information called for by the resolutions, as far as the committee have been able to collect it, is contained in the accompanying documents.

All of which is respectfully submitted.

W. MONTGOMERY, *Chairman.*

EXHIBIT,

Showing the amount of Dividends and Bunus, declared by the State Bank of North Carolina.

No. of Dividend.	When Declared.	No. Shares.	Rate of Dividend	Amount of Dividend.	Rate Bonus.	Amount of Bonus.	Shares owned by the State.	Am't Dividend paid the State.	Amount Bonus paid the State.
				Dollars C.		D. C.		Dollars.	Dollars.
No. 1	December, 1812	9,250	2½	23,125					
2	June, 1813	"	"	23,125			2,500	6,250	
3	December, do	11,766	"	29,415			"	6,250	
4	June, 1814	"	4	47,064			"	10,000	
5	December, do	"	5	58,830	1¼	14,707 50	"	12,500	3,125
6	June, 1815	"	"	58,830			"	12,500	
7	December, do	"	"	58,830			"	12,500	
8	June, 1816	"	"	58,830			"	12,500	
9	December, do	"	"	58,830			"	12,500	
10	June, 1817	"	"	58,830			"	12,500	
11	December. do	"	"	58,830	17¼	202,963 50	"	12,500	45,125
12	June, 1818	"	"	58,830			"	12,500	
13	December, do	"	"	58,830			"	12,500	
14	June, 1819	"	"	58,830			"	12,500	
15	December, do	"	4	47,064			"	10,000	
16	June, 1820	"	"	47,064			"	10,000	
17	December, do	"	"	47,064	8½	100,011 00	"	10,000	21,250
18	June, 1821	15,395	"	61,580			2,659	10,636	
19	December, do	15,694	"	62,776			2,672	10,688	
20	June, 1822	15,729	"	62,916			"	10,688	
21	December, do	15,816	"	63,264			"	10,688	
22	June, 1823	"	"	63,264			"	10,688	
23	December, do	15,819	"	63,276			"	10,688	

24	June,	1824	15,825	"	63,300			"	10,688	
25	December,	do	15,862	"	63,448			"	10,688	
26	June,	1825	"	"	63,448			2,681	10,724	
27	December,	do	15,864	"	63,456			2,681	10,724	
28	June,	1826	15,865	"	63,460			2,705	10,820	
29	December,	do	15,979	"	63,916			2,762	11,048	
30	June,	1827	"	3½	55,926 50			"	9,667	
31	December,	do	"	3	47,937			"	8,286	
32	December,	1828	"	2½	39,947			2,764	6,910	
33	December,	1829	"	3	47,937			"	8,292	
34	June,	1830	"	2	31,958			"	5,528	
35	December,	do	"	2	31,958			"	5,528	
36	June,	1831	15,979	2	31,958			2,764	5,528	
37	December,	do	"	2	31,958			"	5,528	
				141½	1,929,904 50	27	317,682 00		361,535	67,500

AGGREGATE.

Amount of Dividends declared by the State Bank of North Carolina, No. 1 to 37 inclusive,		$1,929,904 50
Amount of Bonus do do		317,682 00
Total declared,		$2,247,586 50
Amount of Dividends paid to the State of North Carolina,	$361,535	
Amount of Bonus paid do	67,500	
Total paid the State,	$429,035	

Amount of Dividends and Bonus declared by the Bank of Newbern, from 1st January, 1810, to the 30th June, 1829, inclusive.

When declared.	Amount of Shares.	Percentage.	Amount of Dividends.
1809 December 31	2075	5	Dolls. 10,375
1810 June 30	do	5	10,375
" December 31	do	5	10,375
1811 June 30	do	5	10,375
" December 31	2250	5	11,250
1812 June 30	do	5	11,250
" December 31	do	5	11,250
1813 June 30	do	5	11,250
" December 31	do	5	11,250
1814 June 30	do	5	11,250
" December 31	do	5	11,250
1815 June 30	do	5	11,250
" " 30	Bonus	10	Bonus 22,500
" December 31	7180	2½	17,950
1816 June 30	8000	4	32,000
" December 31	do	4	32,000
1817 June 30	do	4	32,000
" December 31	do	4	32,000
1818 June 30	do	4½	36,000
" December 31	do	4½	36,000
1819 June 30	do	4	32,000
" December 31	do	3	24,000
1820 June 30	do	3½	28,000
" December 31	do	3½	28,000
1821 June 30	do	4	32,000
" December 31	do	4	32,000
1822 June 30	do	4	32,000
" December 31	do	4	32,000
1823 June 30	do	4	32,000
" December 31	do	4	32,000
1824 June 30	do	4	32,000
" December 31	do	4	32,000
1825 June 30	do	4	32,000
" December 31	do	4	32,000
1826 June 30	do	4	32,000
" December 31	do	4	32,000
1827 June 30	do	3½	28,000
" December 31	do	3	24,000
1828 June 30	do	2	16,000
" December 31	do	2	16,000
1829 June 30	do	2	16,000
			967,950

JNO. W. GUION, Cash'r.

December 7th, 1830.

Amount of Dividends and Bonus, divided by Bank of Cape Fear, from 1st January, 1811, to 1st January, 1830.

Dividend	10	Declared	30th of June,	1811	5	Dollars per Share.	
do	11	do	31st December,	1811	5	do	do
do	12	do	30th June,	1812	5	do	do
do	13	do	31st December,	1812	5	do	do
do	14	do	30th June,	1813	5	do	do
do	15	do	31st December,	1813	5	do	do
do	16	do	30th June,	1814	5	do	do
do	17	do	31st December,	1814	5	do	do
do	18	do	30th June,	1815	5	do	do
Bonus	4	do	30th June,	do	3	do	do
Dividend	19	do	31st December,	1815	4	do	do
do	20	do	30th June,	1816	4	do	do
do	21	do	31st December,	1816	4	do	do
do	22	do	30th June,	1817	4	do	do
do	23	do	31st December,	1817	4	do	do
do	24	do	30th June,	1818	$4\frac{1}{2}$	do	do
do	25	do	31st December,	1818	$4\frac{1}{2}$	do	do
do	26	do	30th June,	1819	4	do	do
do	27	do	31st December,	1819	3	do	do
do	28	do	30th June,	1820	3	do	do
do	29	do	31st December,	1820	$3\frac{1}{2}$	do	do
do	30	do	30th June,	1821	$3\frac{1}{2}$	do	do
do	31	do	31st December,	1821	$3\frac{1}{2}$	do	do
do	32	do	30th June,	1822	3	do	do
do	33	do	31st December,	1822	3	do	do
do	34	do	30th June,	1823	3	do	do
do	35	do	31st December,	1823	3	do	do
do	36	do	30th June,	1824	3	do	do
do	37	do	31st December,	1824	3	do	do
do	38	do	30th June,	1825	3	do	do
do	39	do	31st December,	1825	3	do	do
do	40	do	30th June,	1826	3	do	do
do	41	do	31st December,	1826	3	do	do
do	42	do	30th June,	1827	3	do	do
do	43	do	31st December,	1827	2	do	do
do	44	do	30th June,	1828	2	do	do
do	45	do	31st December,	1828	2	do	do
do	46	do	30th June,	1829	2	do	do
do	47	do	31st December,	1829	2	do	do last Div.

$140 50

Making $140 50 per share, or $7 39 per annum.

Annual nett profit at Bank Cape Fear from 1st January, 1811, to 1st December, 1831.

			D.	C.
From	1st January to 31st December, 1811	-	25,696	11
do	1st January to 31st December, 1812	-	22,745	64
do	1st January to 31st December, 1813	-	11,038	84
do	1st January to 31st December, 1814	-	17,141	49
do	1st January to 31st December, 1815	-	26,621	77
do	1st January to 31st December, 1816	-	92,832	37
do	1st January to 31st December, 1817	-	55,913	91
do	1st January to 31st December, 1818	-	84,478	83
do	1st January to 31st December, 1819	-	73,447	52
do	1st January to 31st December, 1820	-	53,185	73
do	1st January to 31st December, 1821	-	38,181	16
do	1st January to 31st December, 1822	-	32,789	53
do	1st January to 31st December, 1823	-	47,142	86
do	1st January to 31st December, 1824	-	51,987	42
do	1st January to 31st December, 1825	-	58,008	55
do	1st January to 31st December, 1826	-	54,373	42
do	1st January to 31st December, 1827	-	46,817	67
do	1st January to 31st December, 1828	-	35,436	15
do	1st January to 31st December, 1829	-	20,379	00
do	1st January to 1st December, 1830	-	25,496	57
do	1st January to 1st December, 1831	-	16,366	00
			880,080	54

Abstract of the state of the Banks, as shown by their semi-annual exhibits, filed in the Treasurer's Office.

STATE BANK.

Date.	Specie.	Notes in Circulation.	Debts due Bank.	Interest.
	D C	D C	D C	D C
1823 Nov 24	491,576 82	1,686,923	2,839,748 22	198,782
1824 Nov	436,842 82	1,579,389 29	2,705,103 70	189,357
1825 Dec	343,560 07	1,598,673	2,766,749 50	193 672
1826 Nov 21	261,873 03	1,437,877 93	2,676,021 73	187,321
1828 May 18	214,758 47	1,093,422 81	2,577,437 40	180,420
" Nov 18	66,280 50	996,040 34	2,500,208 80	175 014
1829 May 19	40,702 64	910,554 25	2,305,102 07	161 357
" Nov 17	70,494 52	730,413 75	2,290,278 19	160,319
1830 May 18	57,989 25	695,976 50	2,044,620 70	143,123
" Nov 16	64,783 72	655,156	2,006,837 44	140,478
1831 May	94,928 30	728,789	1,809,799 66	126,685

BANK OF NEWBERN.

1822 Dec 31	137,105	652,317	1,518,717	106,310
1823 June 30	128,090	631,910	1,502,600	105,182
" Oct 31	121,708	603,700	1,492,790	104,495
1824 Dec 31	91,385	711,113	1,597,133	111,799
1825 June 30	98,105	677,597	1,611,589	112,811
" Dec 31	93,137	506,105	1,566,960	109,687
1826 June 30	87,209	431,204	1,551,552	108,608
" Dec 31	111,314	471,308	1,507,933	105,555
1827 June 30	101,617	416,273	1,470,284	102,920
1828 Sept	96,475	520,921	1,584,321 17	110,902
" Dec 31	86,087 33	534,751	1,613,914	114,973
1829 June 30	31,065	521,998	1,427,216 31	99,905
1830 May 22	47,903 21	392,479	1,268,351	88,804
" Oct 30	54,821 52	325,444	1,082,333 81	75,763
1831 June 30	35,993	272,203	872,839	61,098

BANK OF CAPE FEAR.

1822 Dec 31	86,538 16	612,318	1,246,512 66	87,255
1823 June 30	91,977	575,100	1,241,361 62	86,895
1824 Dec 31	25,045	681,774	1,193,365	79,535
1825 June 30	31,696	776,417	1,179,758	82,583
" Dec 31	31,088	667,270	1,186,009	83,020
1826 June 30	22,685	497,090	1,135,480	79,483
" Dec 30	25,267	606,191	1,159,068	80,847
1827 June 30	41,396	498,060	1,107,354	77,514
1828 June 30	24,062	293,057	1,033 957	72,376
1829 Jan. 5	48,426	263,893	996,001	69,720
	& u s notes			
" July 1	85,380	207,533	921,603	64,477
" Nov 9	77,709	179,132	904,316	63,302
1830 July 1	36,624	235,460	861,600	60,312
1831 Jan 1	40,929	342,780	698 583	48,900
" July 1	43,940	358,511	667,326	46,712

BRANCH BANK OF THE UNITED STATES

AT FAYETTEVILLE.

Date.	Specie.	Notes in circulation.	Debts due Bank.	Interest.
	D C	D C	D C	D C
1825 Dec 27	49,524 65	620,220	470,376 95	32 926
1830 Dec 27	37,840 07	1 177 690	781,693 59	54,718

Debt due the Banks in North Carolina, by their last Returns.

			*Interest.
1831, July 1,	Cape Fear Bank	$667,326	$46,712
1831, May	State Bank	1 809,799 66	126,685
1831, June 30,	Newbern Bank	872,839	61,098
1830, Dec 27,	United States Bank	781,693	54,718
		$4,131,657 66	$289,213

Notes in circulation on each Bank and the aggregate, as shown by their last exhibits, and interest on the amount.

		Notes out.	Interest on the same
1831, July 1,	Cape Fear Bank	$358,511	$25,095
1831, May,	State Bank	728,789	51,015
1831, June 30,	Newbern Bank	272,203	19,054
1830, Dec. 27,	United States Bank	1,177,690	82,438
		$2,537,193	$177,602

Amount of Specie in the Banks, as shown by their last exhibits, and interest.

		Specie.	Interest on the same.
1831, July 1,	Cape Fear Bank	$43,940	$3,075
1831, May	State Bank	94,928 30	6,644
1831, June 30,	Newbern Bank	35,993	2,519
1830, Dec. 27,	United States Bank	37,847	2,649
		$212,708 30	14,887

By the foregoing statements it appears that the amount of interest paid by North Carolina on the Bank debt due within the State, annually, is $289,213
Disbributed in the following manner:

Received by Public Treasurer for public purposes,	$17,422	
Received by European and Northern stockholders in the Bank of the United States,	64,000	
Received by individual stockholders in the State, (or supposed to be in it,)	207,891	
		$289,313

* Interest calculated at 7 per cent.

Amount of Dividends. Tax and Bonus received by the State for public purposes from the Banks.

From State Bank,	$429,085 00	
Newbern Bank,	205,186 74	
Cape Fear Bank,	209,312 00	
Total amount received by State for public purposes,		$843,583 74

Amount of Dividends and Bonus received by individuals.

State Bank,	$1,818,501 50	
Newbern Bank,	768,293 00	
Cape Fear Bank,	674,597 54	
Amount received by individuals in the State Banks,		3,261,392 04
Whole am't of Bank profits made by the Banks of N. Carolina,		$4,104,975 78

Amount of Specie paid into the Banks on their Stock, and the per cent. made upon the same.

State Bank,	$550,000
Cape Fear Bank,	250,000
Newbern Bank,	200,000
	$1,000,000

Upon this one million of specie vested, there has been made and actually divided four millions one hundred and four thousand nine hundred and seventy-five dollars and seventy-eight cents. The principal Bank profits have been made in the last seventeen years, which shows a profit of 25 per cent. annually on the specie vested, and a profit of four hundred and thirty-four dollars on each share of specie capital paid in, and all their lost notes and other property yet to divide.

REPORT

OF THE

COMMITTEE OF FINANCE

ON THE

STATE OF THE PUBLIC TREASURY.

The Committee of Finance, to whom by law is referred an examination of the Public Treasurer's Report, the Statement of the Comptroller, the books and accounts in each of these offices, and in general into the funds and fiscal concerns of the State, ask leave, in part, to Report:

In conformity to the provisions of sundry acts of Assembly, and particularly that passed in 1827, entitled "an act concerning the Public Treasury," the committee have carefully examined the books in the offices of the Public Treasurer and Comptroller, and compared them with the evidences of receipt and disbursement, and find that the several amounts of cash which have been received by the Public Treasurer for public taxes, impositions and dues, and paid as directed by the acts and votes of the General Assembly, are distinctly set forth in the books of the Treasury in such a plain and intelligible manner, as to present the nett amount of the revenue and disbursements for the fiscal year ending with the 31st day of October, 1831, the period to which alone your committee has directed its attention. In the same is also exhibited a clear and distinct view of the various branches and funds into which the public revenue has been apportioned and distributed; and we find them *thoroughly* and *particularly* to coincide and correspond with the Report of the Public Treasurer and the Statement of the Comptroller, made to the present General Assembly.

The committee have also *carefully* examined the accounts of the Public Treasurer on the books of the Comptroller, and compared the same with the vouchers of receipt and disbursement in the latter office, and find them *fully* to agree and correspond, except in numbers 105, 106, 107, 108, 109, 110, 111, 112 and 113, embracing the receipt from sundry persons by the Public Treasurer of the sum of 976 dollars and 93 cents; as also of numbers 182 and 195, being the receipts of Jesse A. Bynum and William Clark, Esquires, two members of the last General Assembly, for the sums of 182 dollars, and for 3 dollars, which were given by them to the Public Treasurer, and by him duly settled and passed over to the Comptroller. These vouchers, we are told by the Comptroller, are the only papers of value, connected with the last fiscal year, which have been lost or mislaid from his office in the bustle, hurry and confusion of removing his books and papers from his office in the State House at its conflagration in June last. So small a loss under the circumstances of this case, the committee think a most signal and fortunate occurrence; and has resulted in *no loss* or *injury* to the State or the Public Treasurer. The committee have caused a certificate of each of these vouchers to be made out by the Comptroller, stating the number of each, to whom paid or from whom received, and the amount, and have caused the same to be countersigned by their chairman and placed in their proper file.

All the vouchers corresponding with the entries on the books of the Comptroller have been duly cancelled and returned to him, to be placed on file.—We would be somewhat more explicit: We say the vouchers from the 29th of December, 1830, the day on which the present Treasurer entered on the duties of his office, up to the 1st day of November, 1831, have been cancelled. Those from the first of November to the 29th of December, 1830, although composing a part of the vouchers of the last fiscal year, appertained to the administration of the duties of the late Public Treasurer, and were examined and cancelled by the committee of Finance at the last session of Assembly.

Your committee has not yet completed the examination of the bonds given for purchases of the Cherokee lands. So soon as that duty shall have been performed, the result will be reported to the General Assembly.

The monthly settlements, as required by law, between the Public Treasurer and Comptroller, have been *critically* examined, and they are found to be fairly and fully made in accordance with the requisites of the act of Assembly which requires them. Your committee cannot too highly commend the wisdom of this regulation; which results in the fidelity of the officer charged with the public funds; and, connected with another most *salutary* regulation of this department, viz. "the deposite in the Banks of the amount received in each month," removes all *anxious* responsibility from that important department.

All due and proper attention has been bestowed by the committee on the examination of the deposite of the public monies, at the end of each month, in the Banks of the State. We have carefully inspected the accounts of the Public Treasurer on the books of the State Bank and the Branch of the Bank of Newbern in this city, from his entrance on the duties of his office up to the 1st of November, 1831. For the same period his accounts with the Bank of Cape Fear at Fayetteville have been satisfactorily shewn by the monthly statement thereof under the hand of the Cashier of that Bank. All these have been compared with the Bank books, and the book in the Treasury exclusively appropriated to these accounts. These again have been compared with the certificates of deposite in the possession of the Treasurer, and the duplicates thereof filed according to law in the office of the Comptroller. The result of all is, a perfect *agreement* and coincidence of all and each.

This examination exhibits a credit, on the 1st of November last, to the Treasurer in those Banks respectively of the following sums, viz.

In the State Bank at Raleigh of	$43,729 64
Bank of Newbern do.	29,478 26
Bank of Cape Fear, Fayetteville,	16,380 07
Making a total sum of	$89,587 97

Which corresponds with the amount stated in the Treasurer's Report.

A brief view of the state of the Treasury at the end of the last fiscal year, will now be given.

The committee of Finance, at the last session, by order of the General Assembly, adjusted the accounts of William Robards, Esq. the then Treasurer, from the 1st day of November to the 21st day of December, A. D. 1830, the time at which his term of office expired. The Report of this settlement was made to the last session of the Assembly, and approved. The amount thus found to be due was paid over to the committee of Finance, and by that committee paid over and delivered to the present Public Trea-

surer, and amounts to the sum of			$43,753 65
Additional sums received by him, viz.			
Cash on bonds for sale of land and negroes, &c.			
Principal	$4,426 63		
Interest on do.	736 43		
			5,163 06
Do. on 2,764 shares of stock in State Bank for half year ending 31st Dec. 1830, at 2 per cent.	5,528 00		
Do. on do. 30th June, 1831, at 2 do.	5,228 00		
Do. of Bank of Cape Fear for 10 shares for do. to 31st Dec. 1830, at 3 per cent.	30 00		
			10,786 00
Do. of John Hollaway, 2d bond, Principal	337 57		
Interest on do.	40 56		
			378 13
Do. for rent of public land,			10 00
Do. of sundry persons for purchase of Tuscarora lands, Principal	1,400 27		
Interest on do.	30 74		
			1,431 01
Do. rec'd of sheriffs for tax 1830,	66,452 73		
Do. additional returns,	282 42		
			66,735 15
Do. of David L. Swain, part fee refunded,			500 00
Do. of William M. Sneed, com'r, refunded in settlement of his account,			72 00
Do. for dividend on Buncombe Turnpike Company stock,			250 00
Do. Bank of Newbern, tax 1831,			5,683 00
Do. do Cape Fear, do.			8,889 00
Making a total sum of			$138,951 00

which agrees with the amount stated to be due in the Treasurer's report.

The disbursements made at the Public Treasury from 1st day of November, 1830, to the 1st day of November, 1831, (including those made by the late Treasurer, the amount of which will be deducted at the bottom of this statement,) consists of the following sums, paid on the several accounts as stated, viz.

AMOUNT OF DISBURSEMENTS.

By cash paid on account of General Assembly,		$40,662 78
Do Executive Department,		2,273 33
" Department of State,		1,143
" Treasury Department,		2,003 96
" Comptroller's do		1,000
" Judiciary,		23,830 05
" Pensioners,		860
" Adjutant General's Office,		200
" Public Printers,		900
" Sheriffs for settling taxes,		1,002 10
" Do Congressional elections,		525 43
" Repairs of State House,		45 79
" Government House,		692 20

"	Public Library,	75	
"	Bogue Banks,	4	91
"	Treasury Notes burnt,	21,601	61
"	Money burnt, emission 1783 and 1785,	4	56
"	State Bank, on payment for interest on deferred stock,	3,356	24
"	Mrs. E. E. A. Haywood,	299	93
"	Tuscarora Indians,	80	50
"	Contingencies,	2,874	44
		$103,385	99
Deduct amount disbursed of this sum by the late Treasurer,		26,532	94
which leaves the sum of		$76,853	05
to which add the amount which was directed by a resolution of the last Assembly to be transferrred to the Literary Fund, amounting to		29,074	96
which shows the total amount of disbursements to be		105,928	01
If this amount is deducted from the sum of $138,951, the amount of receipts, as before stated, there will remain a balance of due from the Public Treasurer on the 1st of November, 1831, and hereafter to be accounted for by him.		33,022	99
		$138,951	

Your committee have reason to believe that frauds have been committed upon the public, by Sheriffs receiving the tax imposed by law upon "retailers of spirituous liquors," and pedlars, and retaining the licenses furnished to them by the Comptroller, and failing to account with him for the tax thus received. A bill designed to remedy this grievance, and to prevent frauds of this kind, was referred to your committee by the House of Commons, and a substitute for the original bill has been prepared and reported to that House, which is respectfully recommended to be passed into a law.

In the discharge of a further duty imposed upon your committee by a joint resolution of the two Houses, passed in the early part of the present session, they have, with much care and labor, counted "the Treasury notes in the Public Treasury," at the passage of the resolution, and burnt to the amount of twenty-eight thousand three hundred and ninety-four dollars and ninety-seven cents, ($28,394 97.) A receipt for that sum has been given to the Public Treasurer. To enable the Comptroller to credit the Public Treasurer with that sum, we submit the resolution which accompanies this report, and recommend its adoption.

Your committee is not willing to close this report without paying a just tribute to the Public Treasurer, by saying, that, so far as they have been able to form an opinion upon the discharge of the duties required of him as such, he has evidenced a vigilance, promptitude, accuracy and fidelity, which has received their approbation, and does, in their opinion, entitle him to that of the General Assembly.

All which is respectfully submitted.

WM. M. SNEED, *Chairman.*

December 14, 1831.

REPORT

OF THE

COMMITTEE OF FINANCE

ON PROCURING

SPECIE CHANGE.

RALEIGH:
PRINTED BY LAWRENCE & LEMAY,
Printers to the State.

1831.

REPORT.

The committee of Finance, to whom was recommitted the resolution from the Senate in relation to providing the Public Treasurer with specie change for the use of his Department, and the report of said committee upon the same, with instructions "to ascertain from the Banks of this State whether they would supply the Public Treasurer with specie change for the use of his office," have performed the duty required of them, and Report:

That the chairman, by order of your committee, addressed a letter to the Presidents of the State Bank, the Bank of Newbern and the Bank of Cape Fear, at Fayetteville, of the same date and tenor of the following copy of the one to the President of the State Bank, viz.

Raleigh, December 3d, 1831.

PETER BROWNE, Esq.

Dear Sir,—A resolution has been presented to the Senate, whose object is to provide "specie change" to enable the Public Treasurer to meet the current demands, and extraordinary run upon him for the redemption of the Treasury notes.

The great advantages which the local banks of this State have derived in times passed, as well as the probable profit that will accrue to them in future, from the deposite in their vaults of the stationary funds, and the annual proceeds of the ordinary, as well as the extraordinary revenue of the State, is thought to be sufficient to warrant the expectation that these banks will be willing to provide the Public Treasurer with "specie change" sufficient for the wants of his department.

In conformity to these instructions, and by direction of the committee of Finance, this letter is addressed to you in your official character as President of the State Bank of North Carolina; and I ask that you will be pleased to inform me as early as may be convenient to you, whether the institution over which you preside will aid the Public Treasurer by the accommodation specified in the foregoing recital.

I have the honor to be, dear sir,

Your obed't servant,

WM. M. SNEED, Chairman
of the committee of Finance.

The answer of the President of the State Bank was received on the 5th instant, that of the President of the Bank of Newbern on the day of its date, and that of the President of the Cape Fear Bank not until the 15th instant.

These letters, forming the substantial part of this report, are herewith submitted.

WM. M. SNEED, Chairman.

STATE BANK OF NORTH CAROLINA,
December 4, 1831.

William M. Sneed, Esq.
Chairman of the Committee of Finance:

DEAR SIR,—I have to acknowledge the receipt of your letter of the 3rd instant, inquiring whether the State Bank will aid in affording the Public Treasurer the accommodation of supplying him with what specie change he may want for the purposes of the Treasury.

The State Bank has no more specie change than it is believed will be necessary to enable it to conduct its own business with honor and punctuality. If it had fortunately been possessed of any surplus, the President and Directors would have had much pleasure in accommodating the Public Treasurer with it.

If the Legislature shall pass the resolution stated in your letter authorising the Public Treasurer to procure specie change, the President and Directors of the State Bank will readily accommodate him with a loan of all that they can spare, after reserving enough to supply their own immediate wants, he engaging to return it in kind when he receives his supply.

I am, very respectfully, your ob'dt serv't,

B. BROWNE, Pres't.

RALEIGH, December 7th, 1831.

DEAR SIR,—On consulting with the Agent and the Directors of the Branch of the Bank of Newbern at this city, I learn that their supply of silver change is so small, that at present they can accommodate the Treasurer to no great extent. The officers of this Branch are however instructed to afford this accommodation, both now and at any subsequent time, as far as may be in their power.

I have the honor to be, with great respect,
Your most obed't serv't,
WILL. GASTON, Pres'dt. B. N.

WM. M. SNEED, Esq.

RALEIGH, December 14th, 1831.

DEAR SIR,—Your letter on the subject of specie change, to be furnished by the three local banks of the State, for the use of our Treasury department, and inquiring if the Bank of Cape Fear would advance its quota, to be proportioned to the standing deposites of the State in each of those three banks, was duly forwarded to the President of that institution. I have now the honor to enclose a copy of the resolution of the Board of Directors of the Bank of Cape Fear on that subject, for the information of the committee of Finance. I also have the pleasure of making known to the committee that the President of *that* institution, being on his way to Hillsborough on private business, has reached this city, and has brought with him $2700, in specie change, which is now tendered to the committee, and is at their disposal.

I have the honor to be, very respectfully, your ob'dt serv't.

JOHN D. TOOMER.

WM. M. SNEED, Esq.

BANK OF CAPE FEAR, 12th Dec. 1831.

The President submitted to the Board a communication from John W. Wright, Cashier, covering a letter from the Chairman of the Finance committee; whereupon, it was unanimously

Resolved, That the President express the disposition of the Directors to comply with the wishes of the Legislature, and that the Bank of Cape Fear will cheerfully supply any reasonable amount of specie change for the use of the Treasury of the State.

Copy from the minutes. JOHN HILL, Cash'r.

REPORT

ON THE

PROGRESS AND PRESENT CONDITION OF THE AFFAIRS

OF THE

ROANOKE NAVIGATION COMPANY.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

TREASURY DEPARTMENT, No. Ca. }
18th *Dec.* 1831. }

SIR,

In compliance with a resolution of the House of Commons of yesterday's date, "requesting the Public Treasurer to lay before the House such information as he may have received in regard to the progress and present condition of the affairs of the Roanoke Navigation Company," the enclosed papers, marked A, B, C, D and E, are respectfully submitted.

I have the honor to be,

Yours, most respectfully.

W. S. MHOON.

The Hon. the Speaker
of the House of Commons.

ENCLOSURES.

Paper marked A, is a letter from W. B. Lockhart, Esq. (who represented the State in the late meeting of the Stockholders,) giving an account of what was done at said meeting.

" B, the report of the President and Directors to the meeting.

" C, a letter from the Secretary and Treasurer, on the affairs of the Company.

" D, a statement, showing the aggregate quantity of the principal products transported on the canal, for the year ending 31st Oct. 1831, and the tolls for the same period.

" E, a statement compiled from the report of the President and Directors, to the Stockholders, on the 1st November, 1830.

(A)

Northampton County, N. C. November 18, 1831.

DEAR SIR,—In accordance with the proxy you did me the honor to make, I attended the general meeting of the Stockholders of the Roanoke Navigation Company, and am happy to inform you that the concerns of the Company are in a prosperous situation. From the report of the Directors to the meeting, it is supposed that the lockage into the river below will be completed during the next year, though unlooked for obstructions have presented themselves in quagmires of from 18 to 22 feet deep, at the site of some of the lock pits, which are contemplated to be overcome by spiling; which additional work will add to the expense of the lockage. Being one of the committee appointed by the meeting to examine into the expenditures of the preceding and current years, (there being no general meeting last year,) I was pleased to find that the funds of the Company have been managed with great prudence and accuracy, even to minuteness; and we may anticipate that they will continue to be so managed so long as the present fiscal officer (Colonel A. Joyner) has the disbursing of them.

The meeting came to the resolution to declare a dividend of 1¾ per cent. on the whole capital stock, which will then leave a small balance in the Treasury of $196. In this resolution, it is declared that the dividends on the stock of delinquent share-holders shall not be paid to them, but be placed to their credit on the books. This provision was intended to reach certain share-holders who formerly resided in Virginia, and who have removed to the West or elsewhere, and have died insolvent. Of course their shares could not have been sold under the charter granted by Virginia and recognised by the charter or the act of our Assembly assenting thereto. But as the Company claimed interest from North Carolina on the stock last subscribed by her Board of Public Works, and as there is now a balance of $500 of the principal subscription due, which would place North Carolina in the situation of a delinquent stockholder, I moved and carried a proviso to exempt North-Carolina from the operation of that member of the resolution which authorises the retention of the dividends of delinquent share-holders; in which proviso it is expressed in what manner, and upon what grounds North Carolina appears to be a delinquent, that is, that it supposes a balance due from her, which had been tendered to the proper receiving officer, and refused to be received, "on account of a claim for interest (set up by the Company) on the deferred payment of the last subscription of 25,000 dollars." The refusal to receive the 500 dollars was predicated upon the principle that if the whole principal subscription was received, the claim for interest would be extinguished. It does appear to me that the State stands on the same footing as an individual share-holder, according to the charter; and of course is bound, as such, for interest on the shares subscribed for, and which were not paid for according to the requisitions of the Company, unless the non-acceptance at the time of the subscription by the Company, upon the condition on which the subscriprion was made, (for the Company did, for a long time, refuse to accept it upon the condition,) be pleaded in bar. How far such a plea will avail, I am not prepared to say. The Board of Directors has appointed their President and myself to memorialize the Legislature on the subject, which will be done as soon as we can have a consultation on the subject.

I have the honor to be,

Your most obedient,

W. B. LOCKHART.

Wm. S. Mhoon, Esq. Pub. Treas. Raleigh.

(B)

Report of the President and Directors of the Roanoke Navigation Company to the stockholders.

There having been a failure to make a general meeting at the period appointed for holding the same in November last, the directors elected for the previous year continued to execute their duties according to the provisions of the charter to the present time.

The objects which have chiefly occupied the attention of the board during the last year, were the lockage at this place, and the further improvement of the sluice navigation of the Dan and Staunton rivers, and the repairs of some sluices in the Roanoke. The operations connected

with these objects were confided to the following gentlemen: Col. Joyner was to superintend the construction of the lockage, Messrs. Bruce, Pannell and Broadnax the improvements on the Dan and Staunton, and Messrs. Baskervill and Sydnor those on the Roanoke. The manner in which they have been conducted, and the extent of the works, are so amply detailed in the reports of those gentlemen, herewith laid before you, marked A, B, C, D and E, as to make it unnecessary for the board to say any thing further on that subject. It is proper, however, to remark that in consequence of the great difficulty which has manifested itself in relation to the foundation of the 4th lock, and which will probably be found to exist at the site of the 5th and 6th, the board consider it will be proper to increase considerably the force intended to be applied to the lockage, and to continue it unremittedly until the work is completed, which they still hope may be effected during the next summer. There has been expended during the past year $10,227 07½. Of this sum $2,882 40 has been applied to the lockage, over and above the labor of the hands belonging to the company, estimated to be worth $2,520; $6,153 68 has been applied to the sluicing operations; $1,125 30 to the salaries of the officers; and $65 68 to repairs of canal.

In compliance with resolutions adopted at a former general meeting, sales of delinquent stock have been made the last year to the amount of 27 shares, eleven of which have been purchased in by the company, also in compliance with your resolution. The tranactions had in relation to this business will fully appear from the report of the commissioners herewith submitted, marked F and G. From the report of the Treasurer, marked H, it appears that there is in the Treasury $7,126 02, derived from tolls from the time the canal went into operation up to the first day of the present month. It is believed this sum may be safely divided among the stockholders, as the remaining funds of the company are considered sufficient for ulterior operations; and we accordingly recommend that a dividend of 1¾ per cent. be declared, which will nearly embrace it.

The exhibit from the toll gatherer will show that the quantity of products which have been passed through the canal is more than double the quantity of the preceding year.

A former Legislature of North Carolina having refused to allow interest on the deferred payments of the $25,000, subscribed conditionally to the stock of the company, and a dividend being about to be declared on said stock, the question heretofore agitated, whether the dividend shall be paid or retained on account of your claim for interest, would seem to press for a decision. In a matter of such importance and delicacy, the board desire to be instructed by the present meeting. They would wish, however, to express their decided opinion against such a retention, and in favor of your approaching the Legislature with another petition.

Since the organization of the company, several instances of failure to make a general meeting have occurred, and there being a probability of a recurrence of this inconvenience, it is respectfully submitted to your

consideration whether the board of directors should not be clothed with authority to declare dividends in case any general meeting should not be convened at the time appointed for holding it. The propriety of giving the board power to dispose of water privileges and seats for erecting machinery is also submitted to your consideration. For further information as to the state of the concerns of the company, we beg to refer you to the report of the Treasurer, marked H, our books, accounts and vouchers, which are laid before you.

CAD'R JONES, President.

Weldon, 14th November, 1831.

(C)

WELDON, DEC. 7, 1831.

William S. Mhoon, Esq.

DEAR SIR,—On my return from Warren Court, I received your letter of the 27th last month, and, agreeably to your request, herewith transmit to you a statement shewing the aggregate quantity of articles transported through the Roanoke Canal the year ending 1st October last.

Colonels Jones and Lockhart were appointed to present a memorial to the General Assembly, claiming interest upon the deferred payments of the State's last subscription of 25,000 dollars to the capital stock of the Roanoke Navigation Company. A similar application was rejected by the Legislature two years ago, very contrary to the confident expectation of our Company. I never could bring myself to believe that the subject was correctly understood by the members of that Assembly; and it is owing to a full conviction of this fact, that the Roanoke Navigation Company have again determined to press this matter upon the further consideration of the Legislature.

I have understood that the claim of the Company for interest was rejected upon the ground, that although the subscription of 25,000 dollars had been made to the capital stock of the Roanoke Navigation Company by the Board of Internal Improvement, under authority of law, and the money actually due, yet no injury had resulted to the Company by the subsequent interposition of the General Assembly, requiring the payment to be made by instalments at various times during the next and subsequent year, because the Company did not need the money due on this subscription, which was considered established by the fact that about this time they had vested several thousand dollars in bank stock, with a view to interest.

This ground, however plausible it may be considered, has nothing substantial in it, and a concise review of the circumstances connected with this transaction, will prove, as I apprehend, that it has no solid foundation for its support. The subscription of 25,000 dollars to the capital stock of the Roanoke Navigation Company in behalf of the State of North Carolina, was made on the 5th November, 1828. It was made for the express and only purpose of constructing locks at Weldon, to connect the basin of the canal at that place with the river below; nor was it ever contemplated by any one that any other funds than those arising from this subscription, were to be used for this purpose. To receive the subscription, subject to this condition, had never found favor with the Roanoke Navigation Company, and had been more than once rejected, because they did not believe that sound policy justified

the expense it would occasion. And the condition was ultimatly accepted, not from any conviction of its necessity or propriety, but from deference and respect for the often declared wish of North Carolina on this subject. Under the fullest confidence that the amount of the subscription would be promptly paid on demand, the Board of Directors of the said Company passed an order directing that the locks should be forthwith commenced.

In obedience to this order, the hands owned by the Company, amounting to about 50, were withdrawn from the work in the upper country, about which they had been employed, and, with such others as could be readily hired, immediately set to work on the locks, during the same month in which the subscription was made as aforesaid. The General Assembly having interposed, and ordered the Public Treasurer to pay the said subscription by instalments, and to defer the first payment until the month of February thereafter, the Roanoke Navigation Company were reduced to the necessity of arresting the progress of the work or using their funds raised for a different object, to hire laborers, purchase supplies, and to meet such other expenses as the nature of the work required. They preferred the latter, and did furnish the necessary sums to meet expenses as above indicated several months before any payment was made by North Carolina on her subscription of 25,000 dollars. But for this unexpected diversion of their funds to this new object, the Company might have invested the same in some profitable stock, that would have yielded a handsome interest. Without the payment of interest by the State, therefore, the Company will sustain a positive loss.

Other views and considerations might be urged, clearly shewing, as I conceive, the equity and justice of the claim for interest, set up by the Roanoke Navigation Company. I have barely time to hint at one of them The Roanoke Navigation Company had always been averse to the policy of building locks at Weldon, and had resisted it as long as a decent respect for the wishes of North Carolina, as expressed through her Legislature and Board of Internal Improvement, would allow. When the Company finally yielded a reluctant consent, it was the clear and distinct understanding, between the Board of Internal Improvement on the one part, and the Company on the other, that the subscription should be promptly paid. The Board, in compliance with this understanding, did immediately afterwards pass an order directing the Public Treasurer to pay to the Treasurer of the Roanoke Navigation Company the said 25,000 dollars, and which would have been paid in due time but for the interposition of the General Assembly, as already stated. The Board had full authority to act, and, upon the passage of the order, the Company had a just and equitable right to the money. Defering or postponing the time of payment without the consent of the Company creates for them the fairest claim for interest.

I send you the report of the President and Directors to the Stockholders of the Roanoke Navigation Company, and would also send the documents which accompanied it, had I time to transcribe them.

With great respect and esteem, yours, &c.

A. JOYNER.

(D)

A table showing the aggregate quantity of the principal products transported on the Roanoke Canal, for the year ending 31st October, 1831.

Hogsheads of Tobacco	3094
Barrels of Flour	9768

Sacks of Salt	1386
Bales of Cotton	699
Barrels of Fish	252½
Hogsheads of Tobacco Stems	78
Barrels of Tar	93
Kegs and Boxes Manufactured Tobacco	1564¼
Hogsheads Sugar	43
Barrels Sugar	29¼
Pounds of Coffee	17680
Pounds Nails	7593
Pounds Dry Goods	39068
Pounds other than Dry Goods	51784
Gallons Wine	613
Gallons Molasses	2462
Gallons Domestic Spirits	1016
Gallons Foreign Spirits	491
Casks Lime	21
Tons Castings	4 4-5
Tons Bar Iron	½
Tons Plaister Paris	¼
Pounds Loaf Sugar	2867
Pounds Lard	320
Pounds Raw Hides	720
Pounds Ginger, Pepper and Allspice	656
Casks Cheese	6
Gallons Linseed Oil	100
Feet Plank and Scantling	7083
Feet Mill Stones per pair in diameter	20½
Boxes Tallow Candles	16
Boxes Sperm Candles	4
Barrels Beer	10
Bushels Flax Seed	28
Pounds Beeswax	421
The tolls for the same period have amounted to	$3,811 27

(E)

A Statement compiled from the Report of the President and Directors of the Roanoke Navigation Company to the Stockholders on the 1st Nov. 1830.

Aggregate capital stock	$412,000 00
Amount subscribed by the State of Virginia	80,000 00
Amount paid by the State of Virginia	80,000 00
Amount subscribed by the State of North Carolina	50,000 00
Amount paid by the State of North Carolina	49,000 00
Amount subscribed by individuals	282,000 00
Amount paid by individuals, to 1st November, 1830,	263,763 00
Hogsheads Tobacco passed through canal during the year ending 1st November, 1830,	1,728
Barrels Flour do do do	4,030
Bales Cotton do do do	532
Nett income from tolls for same period	$1,827 88

REPORT

ON A

COMMUNICATION

FROM THE

WATERS OF ALBEMARLE SOUND

TO

THE OCEAN.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

Th

REPORT.

The committee to whom was referred so much of the Governor's message as relates to the opening a navigable communication from Albemarle Sound to the Ocean, have had the same under consideration, and Report:

That the citizens of that extensive and fertile portion of North Carolina lying about the Albemarle Sound and its tributary waters, long have, and still do, labour under embarrassments the most discouraging to commercial, maritime and agricultural enterprise, (and to them entirely insuperable,) on account of the obstruction of the inlets which once existed at the foot of that sound; and, from all the sources of information upon the subject,* within the reach of the committee, they are satisfied that, not only the interests of that particular part of the State would be almost incalculably advanced by the removal of that obstruction, and by procuring for them thereby a free passage to the ocean, but the general interests of the State, in the encouragement afforded to industry of every kind; the increased value of real estate, the necessary result of prosperous commerce; the saving to our citizens the vast amount annually lost, in consequence of such obstruction (little less than $200,000;) and in offering an inducement to them to remain in the State, instead of transferring their capital and industry to other States; and that the general welfare of the United States, would be thereby greatly promoted. The revenue would necessarily be increased in proportion to the increased amount of exports and imports. These must advance as the operative classes of the community find they can make profitable investments of their capital and industry, and as facilities are afforded and prospects of success presented to mercantile enterprise. Not only so; but a safe harbour would be thereby procured to our national shipping on a coast now the most dangerous and destructive to navigation and commerce of perhaps any other on the Atlantic frontier of the United States, at present affording no retreat, either from enemies or storms—an harbour, too, in the language of the United States' corps of Engineers, "precisely on that part of the coast where it is most needed." Your committee have deemed it unnecessary to state again the amount of annual exports from that section of country, and the losses sustained by detention, literage, insurance, &c. amounting to little, if any thing, short of the profits of the best voyage. They are facts that have been heretofore set forth in various reports and memorials submitted to the Legislature, and, it is believed, are too well known, and too sensibly felt, to be forgotten. †Every Governor of the State, for several years past, has made this subject an impressive constituent of his messages to the Legislature, and the people have long been importunate with their representatives to devise some means by which they may be relieved from this grievous and paralyzing obstruction to their prosperity. Thousands have already, by the discouragements of delay, been driven from the homes of their youth and the land they preferred, to look for others, more favored by nature or by national patronage; and there can be but little doubt that they will be followed by thousands more, unless an effort at least be made to place them upon a footing of fair competition

* Memorials from Elizabeth City, Edenton and Washington, and various Engineer's reports.

† Governor Iredell's message 1828
Owen's do 1829
Owen's do 1830
Stokes' do 1831

with their fellow citizens of other States, by doing that which all agree is practicable, which necessity and a proper regard for the interests of the State, the prosperity of her citizens, prove to be expedient, and which the general welfare demands should be effected, as "an object of more extensive usefulness in a national, as well as local point of view, than any other work of a similar character in our country."*

But practicable, expedient and proper, as the committee are satisfied the opening an inlet from the Ocean to Albemarle Sound may be, and important as they know it to be to a large portion of the State, they are aware that the resources of North Carolina are at present insufficient to effect it. But they are likewise well assured that whilst her commerce labours under such insuperable difficulties, there is little hope that, at any future period, she will be better able to make the necessary appropriation. Under this conviction, and believing that the State of North Carolina, upon the most elevated grounds may of right claim, at the hands of the General Government, an appropriation sufficient to remove the obstruction complained of as a general evil; believing, too, that whilst appropriations have been, and are continually making to improve harbours, open rivers, make roads, &c. in other parts of the Union, none of which can be of more importance to the national safety or prosperity than the opening an inlet from Albemarle Sound to the Ocean, our claim for such an appropriation, if properly urged by our Senators and Representatives in Congress, would be readily and promptly accorded, they earnestly recommend the adoption of the accompanying resolution, which they respectfully submit.

Whereas the re opening the Roanoke Inlet, which communicates directly the waters of the Atlantic Ocean and the Albemarle Sound, is a work of great importance to the commerce of the country and to the national defence, and in the opinion of this General Assembly is a work proper to be effected by the General Government: Therefore

Resolved, That our Senators and Representatives in Congress be requested to urge the same upon the General Government, and to use their influence to procure a sufficient appropriation to re-open the communication, at or near Nags Head, between the Albemarle Sound and the Atlantic Ocean.

BRIGER I. MONTGOMERY, *Chairman.*

* Engineer's report, by Bache.

REPORT

OF THE

COMMITTEE OF CLAIMS

ON THE CASE OF

GREEN B. PALMER.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

The committee to whom was referred the memorial of Green B. Palmer, have had the same under consideration, and respectfully ask leave to Report:

That, on an examination of the contract accompanying the memorial, they find that the president and directors of the Board of Internal Improvements, on the 3rd day of September, 1821, entered into a contract with the complainant, in which they stipulated to give him six thousand five hundred dollars, to open and improve the navigation of Broad River, from the ford at Mrs. Twitty's to the South Carolina line, a distance of forty-two miles; five thousand of which sum was to be paid him by the Board, the remaining fifteen hundred dollars it was then understood and believed could be raised by private subscription; but in case that failed, it was expressly agreed that complainant should do so much of the work as in the opinion of Hamilton Fulton, (civil engineer,) shall amount to the aforesaid five thousand dollars, the entire work being estimated at the original contract price. The board of directors further covenanted with complainant to advance him, from time to time, during the progress of the work, a sum not exceeding seventy-five per cent. upon the value of the work done, to be judged of and estimated by the civil engineer, and that the remaining twenty-five per cent. should be paid complainant on the completion of the work, and its reception by the State engineer. The work was to have been done according to the specifications and plans of the said civil engineer.

Your committee have had it in proof, that on the day of October, 1821, Green B. Palmer moved to Twitty's Ford, rented houses and commenced such preparatory arrangements (such as hiring hands, building of boats, &c.) as were necessary to begin operations in the ensuing spring; before which, however, your committee find that he did receive instructions to commence his work at the South Carolina line, which instructions are dated the 14th of January, 1822, and were unaccompanied by any plans or specifications. Your committee further find, from the deposition of A. D. Murphy, Esq. while acting as president of the board, and who had concluded the contract with Mr. Palmer, that between October and December of the same year, he had been repeatedly applied to by the contractor to send out the civil engineer with specifications, who had been assured that Mr. Fulton should visit Broad River and furnish the plans of improvement at each place required; that he, in compliance thereto, had made several ineffectual efforts to get the engineer on that service, who was prevented in consequence of sickness; that after this the contractor addressed a letter to the board for instructions, and received an answer from Joseph Gales, secretary, dated 17th April, 1823, in which he was directed to comply with the contract entered into and the instructions which were given by the civil engineer.

Your committee, on turning their attention to the instructions alluded to by the secretary, find them to consist of a resolution of the board, of November 4th, 1821, in which the civil engineer was directed to give special instructions to the contractor to commence the improvements at the South Carolina line; that these instructions were given, but without any drafts or specifications as to the mode of operating; neither does it appear to your committee that any were given, except a drawing for wings and side dams, which was inclosed in a letter from the engineer to the contractor, and dated 29th December, 1822.

Your committee have noticed, on an examination of the civil engineer's report to the Board of Internal Improvement for the year 1822, he makes use of the following language: "Had the contractor on Broad River proceeded with his work as he was instructed to do, he might have been by this time very safely paid 75 per cent. on one third of his contract price; but instead of commencing his operations at the lower end of the obstructions and proceeding regularly upwards, there is hardly a shoal in his portion of the river which he has not operated on, without completing any one of them. Circumstances may occur which will prevent a contractor from rigidly adhering to the instructions given him. The height of the waters may prevent him from carrying on his work regularly, and he may therefore be under the necessity of removing his people to another part of the river. To an occurrence of this kind it would be unreasonable to object; and had such been the case with Mr. Palmer, I should not have deemed it necessary to reflect on his conduct."

Your committee state, that on finding such strong language as the above used by the civil engineer toward the contractor, their attention was naturally drawn to the inquiry whether Mr. Palmer had departed from his instructions, and, if so, whether the reasons were of the character above alluded to, and which, in the language of the engineer, formed an exception to the general rule "of a strict adherence to contracts." Your committee state, that the depositions of the Rev. Mr. Guinn went to establish, that in the spring and summer of 1822, Broad River was generally high; that when the engineer examined the river in 1820 it was fifteen inches higher than usual water, and that it was still higher at the time the contractor was directed by a resolution of the board to commence at the South Carolina line. Mr. Guinn stated further, that most of the work which was required to be done below and near the line consisted in blowing and blasting of rocks in the river; that he was the owner of a boat-landing at the line, and his opportunities for examining and ascertaining the relative height of the waters were good. The height of the water at the time referred to was also proven by the deposition of Mr. Bias and corroborated by the statement of Mr. Webb, a member of the Legislature.

Your committee would further state, that the Board of Internal Improvement, at one of its meetings held in this city on the 4th December, 1823, declared the contract which had been entered into with complainant to be at an end, acting, as your committee believe, under the honest conviction that there had been a failure on the part of Mr. Palmer to comply with his contract which he had entered into with the board; at the same time directing the civil engineer to value the work, distinguishing such as had been done according to contract from such as had not, which assessment your committee have ascertained was not made; and that on the 29th of Nov.

1825, the board by resolution directed Col. Forney, one of its members, to inspect and examine the work done, and that he report to the president of the board what, if any thing be due the contractor on account of said work. They find that on a meeting of the board, held Jan'y, 1827, at which Col. Forney was in attendance, that he informed the president and directors that he could not make it convenient to value the work, but had employed Messrs. Guinn and Nisbet, two gentlemen well qualified for that purpose, who had viewed the river and the work done, and had reported on the subject; which report was filed and a resolution drawn instructing the treasurer of the board to pay contractor five hundred dollars for work done on the river. Your committee state that contractor received this sum, but refused to admit the account as settled.

Your committee further state, that after the contractor had made several ineffectual attempts to get his claim settled before the board, on the 18th of February, 1829, he filed a bill in the county of Rutherford against the president and directors of the Board of Internal Improvement, in their corporate character, which was returnable to March term, when time was given defendants to answer, and the cause referred to the clerk and master to take an account; that at a court holden on the 3rd Monday after the 4th of September, 1829, judgment pro confesso was taken and the cause set for hearing ex parte; that on the 3rd Monday of March the defendants had leave to file their answer, on the condition that they do not rely on the statute of limitations, which terms were accepted and an account ordered again to be taken, when the clerk reported in favor of complainant the sum of $2,500; but that at September term ensuing, a dissolution of the corporation (in consequence of the repeal of the act of 1819 constituting the board) was suggested, when it was adjudged by the court that complainant's action abated.

Your committee state, that from this summary of the case, several questions presented themselves for their consideration, and which they respectfully suggest to the House. Was there a contract? was that contract adhered to by Mr. Palmer? If not adhered to, was the departure caused by circumstances over which he had no control? and were they such as would bring him within the rule laid down by the civil engineer? Your committee, on taking up the contract, have neither construed it strictly, nor yet liberally, but have placed such an one as will prevent an inference being drawn from it, not only beyond what its words import, but beyond the contemplation and intention of the parties themselves: For your committee have had it in proof that, although the contractor had stipulated to do the work for five thousand dollars; yet that the work, when assessed by those appointed under the Board, actually amounted to eight hundred dollars more than the contract price. On the other hand, to place a rigid and strict construction on it, would be equally improper: for although a contract may be expressed with clearness, and with a precision which seems not to be mistaken; yet words being susceptible of a verbal criticism, of receiving another and perhaps a more liberal meaning, the sense is not unfrequently sacrificed to the rule, and the object of the contract defeated: For it has also been in proof before your committee that the contractor had received express directions to commence at the South Carolina line; and your committee cannot conceive the time when, or the place where he commenced to be at all material, so that he did what he had engaged to do,

and within the time prescribed, or was prevented from so doing by the act of the other party.

On the first question there is no doubt, and as little doubt that the letter of that contract was violated by Mr. Palmer; but your committee are clearly of the opinion that the reasons for so violating were such as need only to be submitted to be approved.

It seems that Mr. Palmer had received instructions from the Engineer on the 14th January, 1822, to commence his operations at the South Carolina line, unaccompanied, however, with any plans or specifications. Before this, the contractor had applied to A. D. Murphey, President of the Board, for such instructions, (who had promised him to send out the Civil Engineer, and made several ineffectual attempts to get Mr. Fulton on that service.) Mr. Palmer, in the interim, had moved to Twitty's Ford. It further appeared, that contractor, at the house of Col. Avery, between March and September, 1822, and shortly after the Civil Engineer had paid his first and last visit to Broad River, requested of him to furnish plans, drafts or specifications, that Mr. Fulton replied that he had seen the work, that he had confidence in his ability, that none were necessary; but desired him to go on in such way as he in his judgment thought best. It further appeared to your committee that Broad River, in the spring and summer of 1822, was generally high, and that the work to be done at the lower end, adjoining South Carolina, was of that character which could be best done when the river was low—such as blowing and blasting of rocks; and that the contractor, as soon as the water would permit, removed his forces down to the line and worked upward, and was so employed when the contract was declared void by the Board.

Your committee, upon the whole, have had great difficulty in agreeing upon any one principle as a data on which to base their calculations as to the amount which should be allowed contractor by this House. That there is something due him, they all admit; but how that sum shall be ascertained, whether as a quantum meruit for so much work and labor done, or whether the work done should bear a certain proportion to the work remaining to be done, they cannot determine; but in a spirit of compromise propose that the following resolution be adopted:

Resolved, That the Public Treasurer be instructed to pay to G. B. Palmer the sum of fifteen hundred dollars, for work done on Broad River, and that he be allowed the same in the settlement of his accounts.

All which is respectfully submitted.

W. F. LEAK, Chairman.

December 19th, 1831.

REPORT

ON THE

ERECTION OF A NEW COUNTY

OUT OF A PORTION OF

BURKE AND BUNCOMBE.

RALEIGH:

Printed by Lawrence & Lemay,

Printers to the State.

1831.

REPORT.

The committee of Propositions and Grievances, to whom was referred the bill, and the accompanying memorial, to erect a new county out of a portion of the counties of Buncombe and Burke, have attentively considered the subject, and respectfully report:

The new and accurate map of the State, politely submitted to the inspection of the members of the last and preceding Legislatures, by John M'Rae, Esq. the enumeration within the last year of the inhabitants of the several counties in North Carolina, under the direction of the Marshal of this district; and the report of the Comptroller to the last Legislature, upon the state of our finances, furnish such clear and satisfactory evidence upon all the points of inquiry, as to leave nothing to conjecture, and nothing unknown, which can be regarded as essential to enlightened legislation.

The facts which the committee deem material, are briefly these: The counties of Buncombe and Burke, very inaccurately delineated upon the map of Price and Strother, are shewn by Mr. M'Rae to be greatly larger than any other counties in the State; and the territory out of which the new county is proposed to be erected, is equal in point of extent to the county of Orange. Strike it off, and they will remain larger than *any three adjoining counties to be found in North Carolina.* At present, either of them shews a domain as extensive as the State of Rhode Island or Delaware, and greater than the six counties east of the Chowan river. United, they are believed to be of greater territorial extent than either of the States of Massachusetts or Connecticut.

The population of the two counties is estimated to be 34,075; one-third part of which is 11,358.

The taxes paid into the Public Treasury during the last fiscal year, amounts to the sum of $2,084 23; the one-third part of which is $694 14.

With these facts, it is not difficult to demonstrate the propriety and necessity of the measure proposed by the bill. The committee are not disposed to enter into abstract reasoning to prove that from the nature of the thing, the end to be obtained by the creation of new counties, is the promotion of public convenience. "History is philosophy, teaching by example." From the institution of *the Hundred*, in the days of Alfred, down to the present period, the history of civilized man leaves no room to doubt about it. Our statute book, in the preambles to the acts erecting various counties, affords the most ample proof. The inconvenient width of the Chowan is assigned as a reason for erecting the county of Gates, and the difficulty of crossing the Alleghany gave birth to Ashe. To attribute a different motive to the founders of the Government, would be a libel on their memory. The tyrant Napoleon paused in the midst of his triumphs, to divide France into circles, in order that a precise measure of convenience should be administered to all. In this free country, where we boast a written charter, in which the humblest peasant reads an equal inheritance of rights and privileges with the most favored individuals in the land, the convenience of the citizen is too often regarded as a matter of minor concern. That he travels thrice the distance to attend a court of justice, or to attain other objects not to be accomplished elsewhere, that is travelled for the same purpose by citizens in other sections of the State, would, in the days of the revolution, have been regarded as tyranny; and it will be difficult to persuade those who suffer that it is not so

now. Can it be believed that a citizen of the section of country in question, when he sees the State of Tennessee dividing the same extent of country, of precisely the same character, into six counties, establishing towns, and instituting courts, to the advance of civilization, and prepare the desert for the reception of the emigrant, will not reflect upon the nature of the government that claims his allegiance? A travel of seventy five miles, over rugged mountains and through deep rivers, to attend as a witness, or serve as a juror, is well calculated to suggest inquiries of this nature to the dullest head and coldest bosom. If those residing in more favored sections of the State doubt it, a political experiment which should consolidate a half dozen counties into one, might produce a similarity of views, and a reciprocity of feeling.

The truth is, that if the fact could be disguised, that the creation of the new county in question would add three to the number which at present constitutes the legislative body, all difficulty and objections would vanish. The only inquiry would be, whether the counties of Buncombe and Burk were *inconveniently large?* Whether the citizens inhabiting the country alluded to, could conveniently submit to the rate of taxation which would be required to erect the proper public buildings? would be regarded as a matter proper for their consideration alone. Indeed, up to the year the Legislature did not permit their citizens to be intimidated even by difficulties of this nature. The wise policy then pursued being to encourage a youthful community in its outset, four hundred dollars were invariably paid out of the public treasury to all new counties, as a public building fund. Since the spirit of the revolution has ceased in some degree to animate the public bosom, the inquiry has ceased to be, to what extent shall we aid an infant community? And the policy of great Britain to the colonies prompts the inquiry, in what proportion *can she pay us* for an equal participation of constitutional privileges?

Placing the argument, then, upon this ground, admitting *the convenience* of the citizen to be totally unimportant and irrelevant to the inquiry submitted to the committee; and also assuming, as the true principle, *the basis of representation*, are the citizens of that section of country entitled to the relief prayed for? What constitutes the true basis of representation? Is it territorial extent? They have it three times told. Is it for white population, as in two thirds of the States of this Union? Is it federal population, as recognized by the Constitution of the United States? Or is it the aggregate of all classes and casts? Assume either basis, and they are entitled to the privileges which they claim. A third part of the population of the counties of Burke and Buncombe has been shewn to be 11,358, and the *increase* in each of them, independent of the original population, is greater than many of the counties in the east. Multiply the present number of counties (64) by that sum, and you have, as the population of the State, 726,912, and you find the actual number, as taken in the late enumeration, to be 738,470. But reduce the aggregate number to the white population, or to the federal number, and the average population of all the counties in the State will fall greatly below the number resulting from the division of the population of the two counties before named into three parts.

But is the universal principle which prevails in the Constitution of the United States and the individual States, of no application here? and shall it, with us, be regarded as exclusively a matter of interest? What would be thought of the statesman, who should refuse for Arkansas' admission into the Union until she contributed to the coffers of the General Government the re-

venue of New York, or even of North Carolina? But suppose this principle, which, by all other civilized societies, would be scouted as absurd, to be congenial to liberty and in unison with our Constitution. Even then, these *freemen* that petition us, have bought this privilege. One third of the taxes paid by these two counties ($694 74) is greater than the average amount paid by more than one half of the counties in this State, (as will be seen by reference to the annual schedule;) many of which have enjoyed all the rights, privileges and immunities in all other counties in this State for more than half a century.

The claims presented to your committee are simply these: The petitioners labor under *inconveniencies* unparalleled in any other section of the State [illegible] Union. One third of the population of the two counties has been proved to be greater than the average population of all the counties in the State; a third is proved to contribute more to the general welfare than one half of the counties in the State; and the day may yet arrive that will test the proportion in which they are able and willing to contribute to the common defence.

To an infant community of so much present promise and future hope, who ask at our hands that equal participation of rights intended to be secured by the Constitution which constitutes our bond of Union, what answer shall be returned? Your committee believe that the only appropriate, and most impressive response will be, the passage of the bill referred.

Respectfully submitted.

THOMAS G. POLK, *Chairman.*

REPORT

RELATIVE TO

THE GOVERNMENT

OF

SLAVES AND FREE PERSONS OF COLOR.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

REPORT.

The committee to whom was referred so much of the Governor's Message as relates to slaves, free negroes and free persons of color, and incendiary publications, respectfully report:

That they have examined with attention the subject committed to their consideration, and are fully impressed with the belief that a period has arrived which imperiously requires of the Legislature the adoption of some more rigid system of government for the conduct of slaves and free persons of color. Upon examination, it appears evident to the committee that the conduct and behaviour of this description of our population, generally speaking, for several preceding years, has been from better to worse; that a spirit of uneasiness and insubordination among the slaves has been increasing; whilst the free persons of color appear to have relaxed from labor and industrious pursuits, and subsist, in most instances, by corrupting the slaves to steal from their owners. The committee beg leave to state that this pernicious traffic is not confined to the slaves with free persons of color, but is carried on between slaves, properly called so, and *free* slaves; that from a total disregard of the present laws, the evil felt by the existence of a free black population, has been much increased by a practice of considerable extent, and of dangerous tendency, by which slaves are permitted to go at large and act as freemen; keeping houses to themselves, with horses, cattle and stock of all kind; in some instances with hired slaves under their control—in short, being perfect masters of their own time and employment, to all intents, as fully as freemen. The committee entertain the opinion, that to this state of things is to be attributed, in a great degree, that daring spirit of insubordination so obviously increasing amongst this description of people.

The Legislature has, from time to time, modified the rigor of such laws as inflicted penalties upon slaves, and have afforded to them, by laws recently passed, when tried for their lives, the same safeguards that are provided for the lives of freemen. Whilst the State has been thus mindful of the claims of justice, a corresponding system of humanity and indulgence has been evidenced by masters in the treatment of slaves. In most instances, the committee believe, it may be said with truth, the slave is happier than his master, and, in nearly all, better off than the free person of color. From a policy so just in the Legislature, so mild and humane in the master, better conduct and behaviour in the slave might be reasonably expected. But the committee believe they will be sustained by the observation of every person, that in proportion as their treatment has been mild and humane, their conduct has been turbulent and disorderly.

That an insurrectionary disposition has been manifested in neighboring States, are facts known to the community; and recent occurrences prove that a similar spirit has found its way into this State. The committee believe that this feeling has been produced in this State amongst the slaves by the following causes: First, by the circulation of pamphlets; secondly, by the black preachers; thirdly, by slaves exercising the privileges of freemen; and fourthly, by the free persons of color.

As to the pamphlets, they are printed to the north, and are highly calculated to inspire such a disposition. Those referred to in the message of his Excellency, have been examined by the committee; and they fear there is much reason to apprehend others of a similar character have found their way into many parts of this State. The committee, however, do not perceive that any amendment can be made to the existing laws in respect to the circulation of these pamphlets, by any direct legislation upon that offence; but that the best safeguard against their circulation is, by closing such avenues as are most likely to afford them a passage. One of these, and the most direct, is afforded by persons of color coming from another State by water. They are exempted from the observation and examination which always attend travelling by land, whilst it furnishes better opportunities to avoid detection; and their arrival being mostly in the towns, furnishes ready opportunities for distribution to a greater extent.

As to the black preachers, they are most of them ignorant and superstitious; and there is too much reason to believe that they expound many of the passages of sacred writ as prophesies of the judgments of vengeance, which they are to be the instruments of executing.

As to the slaves who exercise the privileges of freemen—these privileges excite dissatisfaction in the minds of those to whom they are not extended. They receive and entertain other slaves in their houses, and seduce them every way from their duty; they tempt others to steal, and receive the property; they instil into other slaves the injustice and rigour exercised by the master; and by their exemption from all control in the application of their time, they possess the best opportunities of communicating with other slaves, and arranging every preparation necessary for a common design. To those who own horses, as the fact is in some instances, there is afforded additional means. This description of slaves generally make a pretence of raising a crop. This renders their detection more difficult; and though it may be easy to establish that they sell and consume more than they grow; yet the impracticability of showing, by legal evidence, how or in what way they have violated any existing law, has hitherto left them in the full and open enjoyment of this injurious traffic, and which cannot, as the committee believe, be effectually prevented but by the enactment of additional laws.

As to the free persons of color, their intercourse with the slaves operates pretty much in the same way. They gamble with the slaves; they buy from them, at very low prices, corn, cotton and other articles, stolen from the master; they inculcate in the minds of slaves, that there is no offence in stealing the master's goods; they contribute every way, together with the *free-slaves* who have been adverted to, to render the slave dissatisfied with his master—nay, with his condition. These people, from being freemen, have opportunities of receiving these pernicious pamphlets which have already been noticed; and, in many instances, being taught to read and write, they dissemminate the mischievious doctrines they contain.

By cutting up all intercourse between these classes of people, the committee is not aware, that there will be the slightest abridgment of comfort; whilst, on the other hand, they believe, a great portion of public mischief, already felt, would be removed.

The committee have believed that if the free black population was requi-

red annually to give bond and security for their good behavior, the public would be beneficially served. The idle would be compelled to labor in order to become able to give security, or forced to leave the State; the vagabond without character must leave the State; and besides the value which now result to society from the industrious habits of this people, there would be the less temptation held out to them to corrupt the slaves.

These being the views of the committee, they have felt it their duty, under the reference made to them, to report to the Legislature the provisions in detail, which are respectfully presented for its consideration in the shape of a bill. The whole history of the laws respecting slaves and free persons of color, evince the necessity, at this time, of a rigorous enforcement of the laws, and with the view of producing that certain obedience which is the object of all laws, the committee entertain the confident hope that the bill herewith reported, if passed into a law, will have that effect, and produce amongst this part of our population new manners and habits, by which their comfort and happiness will be promoted, and the interest and safety of the country at large increased.

REPORT

OF THE

TREASURER OF THE UNIVERSITY

OF

NORTH CAROLINA.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

EXECUTIVE OFFICE, 21st Dec. 1831.

To the Honorable the General Assembly
of the State of North Carolina:

GENTLEMEN,—I have the honor herewith to transmit you in obedience to an act of Assembly the Annual Report of the Treasurer of the University of North Carolina for the past year. The disbursements at the Treasury as aforesaid have been examined by a committee of the Board and are found to be supported by regular and proper vouchers.

There are at present five vacancies in the Board of Trustees to be filled by joint ballot of the Legislature.

I avail myself also of this occasion to make known to your honorable body, that the Trustees of this institution, at a special meeting convened in this city during the past summer, declined accepting the loan upon the terms and conditions proposed by an act of the last General Assembly, entitled "An act for the relief of the University of North Carolina."

I have the honor to be, Gentlemen,

With high consideration,

Your obedient Servant,

M. STOKES, *President ex officio*
of the Trustees of the University of North Carolina.

REPORT.

RALEIGH, 21st Nov. 1831.

To the President and Board of Trustees
of the University of North Carolina:

GENTLEMEN,—I have the honor to inform you that the receipts at the Treasury of the University within the past fiscal year, embracing a period from the 20th November, 1830, to the 20th November, 1831, amount to twelve thousand one hundred and forty dollars and nine cents, - - - - $12,140 09

Which sum being added to three thousand one hundred and forty-three dollars and twenty-one cents, the balance in the Treasury unexpended upon the last annual settlement, viz. on the 20th November, 1830, 3,143 21

Forms an aggregate of fifteen thousand two hundred and eighty-three dollars and thirty cents, 15,283 30

That the disbursements within the same period amount to twelve thousand two hundred and eleven dollars and twenty cents, - - - 12,211 20

Leaving a balance in the Treasury at the close of the said year, viz. on the 20th November, 1831, of three thousand and seventy-two dollars and ten cents, 3,072 10

Which balance is deposited and stands to the credit of the Treasurer of the University in the Bank of Newbern at Raleigh.

The receipts at the Treasury as aforesaid consist of the following items:

$103, received of Dr. James Webb, being the first instalment of Hasten Poe's purchase of a tract of land near Hillsborough.

$3,997, the nett proceeds of a note discounted at the Bank of the United States at Fayetteville, borrowed under a resolution of the Board to defray the current expenses of the College.

$7,540, paid into the Treasury by Sam'l Dickins from the proceeds of western lands.

$157 10, collected by John M. Dick of Ellis Hoskins, adm'r of John Swader of Guilford county, being the amount remaining in the hands of said administrator, unclaimed by creditors or distributees.

$342 99, the principal and interest of a bond given by Allen Nance and Wiatt Cannedy for a tract of land of 300 acres, in Granville county, sold them by Duncan Cameron as the agent of the Trustees.

The expenditures at the Treasury as aforesaid have been incurred in the payment of the sum borrowed of the Bank of the United States as above mentioned, that debt being wholly extinguished; in the renewal of the debt of the Trustees at the State and Newbern Banks; in the salaries of the Faculty and Officers of the Institution; and in payment of other ordinary and contingent charges on the Treasury;

all which said several items of receipts and disbursements, and how and when the same were received and disbursed, are more fully and distinctly exhibited in the annual account current and vouchers accompanying and forming part of this Report.

The Trustees owe to the State Bank at Raleigh by bond under the seal of the corporation $14,062 20, and to the Bank of Newbern at Raleigh $6,549 16, besides interest, making an aggregate Bank debt of $20,611 36. This debt is secured by a pledge of 241 shares of Newbern Bank Stock, that being the whole of the Bank Stock now owned by the Trustees.

I have the honor to be, Gentlemen,

With the highest respect, your ob'dt serv't,

CHAS. MANLY, Treasurer Univerity N. C.

MEMORIAL

OF THE

CITIZENS OF ORANGE COUNTY

ON THE SUBJECT OF A

CENTRAL RAIL ROAD.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

MEMORIAL.

To the Honorable General Assembly of North Carolina.

In the exercise of a privilege which is dear to us as freemen, we, the citizens of Orange county, respectfully solicit the attention of your honorable body to the situation to which we, in common with our fellow-citizens of the State generally, have been gradually brought by a concurrence of circumstances beyond our control, but which we trust may be remedied, by a judicious and energetic use of those means which a beneficent Creator has furnished us with, and which we look to your liberality and wisdom to apply in the most efficient mode.

That our wants, and the mode of redressing them which seems most practicable to us, may be the better understood, we respectfully propose to point out, in the first place, what those particular circumstances are which seem to exercise a baleful influence upon the value of our agricultural products; in the second place, what the particular plan is, which suggests itself to your memorialists as the most effectual for the removal of our physical disadvantages; and, in the third place, what means may be applied to the accomplishment of this most desirable object.

That the prosperity of our State is almost wholly dependent on the condition of its agriculture, is a truism which it is only necessary to repeat, to impress upon your honorable body the pre-eminent importance which attaches to this interesting subject. If our agriculture is in a prosperous condition, every other interest must partake of its vigour; if it is declining, its dependent interests must also fail. What, then, let us inquire, is the condition with us of this fundamental principle of a people's prosperity? Do not the multipled embarrassments of the whole class of agriculturists afford a sufficient answer to this inquiry? Does not the daily declining value of our lands inform us of the truth? Are our eyes not pained and our hearts saddened at the frequent sight of the despairing emigrant, leaving a land where even industry meets not its reward, and going with a heavy heart to seek for better fortunes in a strange land? These things ought not so to be. The hearth by which our fathers sat should not be left desolate; nor should their bones be deserted. But so it is; and this voluntary disruption of the strongest ties of our nature, forces upon us the unwilling truth, that we have arrived at that disastrous extremity when that best incentive to industry, enterprize and frugality, we mean the hope of success, is absent. Nor is the cause of this deplorable condition of our agriculture more difficult to be discerned, than the effect is apparent.

Always at a distance from market, the prosperous condition of our agriculture in former days, even under the pressure of the same physical disadvantages which now exist, was rather the result of an accidental concurrence of favorable circumstances, which could not be expected to continue, than the natural result of a regular course of things. For instance: the peculiar staple of our country, flour, acquired in the market to which we carried it a factitious value, from the long and desolating wars in Europe, which not only created a large demand for our staple, but by the ravages which were always committed by the victorious party, and by the great subtraction from the labors of the country, for the supply of the belliger-

ent armies, secured to our favored country the almost exclusive supply for this great demand.

Tobacco also acquired a value far beyond its intrinsic worth, in consequence of the supply not being adequate to the demand; and more recently, cotton maintained for a long time an exorbitant price, from the difficulty of the supply keeping pace with the enormous increase of demand, resulting from the sublime labors of Arkwright & Watt. But these stimulatory, and therefore unnatural causes of success, have passed away. The foot of the soldier no longer tramples the golden harvests of Europe. On the contrary, his life-blood has added twofold fertility to its soil. The luxuriant vallies of the Ohio, the Kentucky and the Wabash, have now glutted the tobacco ports of the world; and spinning and steam engines, having become perfect, are now stationary; and the multiplying products of cotton have at length more than attained the point indicated by the wants of the world.

At this crisis, what might have been foreseen with a limited knowledge of political economy, a reduction of prices to the lowest point affording a fair profit upon capital and labor, actually occurred; and henceforward we are to expect nothing more, except in the case of some political convulsion, which, as men, we cannot desire, and which, as economists, it would be folly to calculate on. How, then, do we come into this market, where we have almost the whole human race as competitors, and where, let us repeat, we are to expect only the lowest price for which labor and capital can be employed? Are the hard-earned fruits of our labor borne on the placid bosom of some mighty canal, without trouble, and almost without expense, to their owner? Or are they carried on the buoyant waves of some proud river, generously hastening with the toils of industry to meet their reward? Or are they hurried along the glowing track of the rail road, as if hastening to meet the competition they dread? Alas! no! The weary wain, the jaded team, the disheartened driver, plod their long and expensive way, consuming the scanty profits of the farmer, and returning with the merest pittance, saved from the labors of the year.

If, from the existence of causes to which we have barely had time to allude, and in which we cannot reasonably expect any change, the farmer or planter of the James River only procures at Petersburg or Richmond a fair remuneration for his labor and capital, need it excite surprise that we, who are separated 150 miles from the same market, by a bad, and at times when most used, an almost impassable road, find ourselves laboring for naught, and, in spite of diligence and frugality, daily declining in our condition?

Nor is this all. The same barrier which exists between us and our market, interposes its formidable obstacles between the articles we purchase at that market and us, exacting from the little pittance we have saved a heavy tax for their transportation. So that, in fact, the magnitude of the evil which oppresses us, is doubly as great as it seems to a superficial observer.

To this gloomy picture, which the experience of thousands will testify is not too highly wrought, we have to add another sombre tint. No rational calculation of probabilities entitles us to hope for a brighter day, unless it be in the relief we ask at your hands. The increasing developements of the resources of our widely spread and luxuriant country, are daily add-

ing to the supplies of an already burdened market; while the liberal and truly politic enterprise of our sister States is bringing to the markets competitors whom we have hitherto regarded as locked up in the impenetrable fastnesses of the Alleghany.

What, then, must we do? For, that something must be done, the instinct of self-preservation tells us. Shall we leave our homes to the stranger, or perchance to the wild beast, and seek in some more favored land other homes, other friends, another country? Patriotism forbids this, pride forbids this, the tenderest sympathies of our nature forbid it. But when stern necessity commands, patriotism, and pride, and nature must yield.

One expedient alone, like the bow of hope, appears in the midst of this desolate prospect, and, with a respectful reliance upon your wisdom and liberality, we hail it as the harbinger of a better day. This brings us to the consideration of the second thing proposed, viz. The particular plan which suggests itself to your memorialists as the most effectual for the removal of our physical disadvantages.

At first sight, it would seem that nature had amply provided for the purposes of transportion to market, in the noble rivers which traverse almost every portion of our State; but, to say nothing of the real difficulty and expense of rendering these streams navigable, and of the impracticability of adapting them to the uses of an extensive commerce, from the nature of their outlets, the recent failures in the efforts made to improve them, and the divided interest which is felt in their amelioration, discourages the expectation that public favor could be united, and public confidence enlisted in any renewed efforts for their improvement. On the other hand, the universal and splendid success of rail roads, the facility of locating them so as to attain the greatest attainable co-operation, and the peculiar adaptation of a great part of our State to their construction, recommend them to our most sanguine hopes.

A central rail road, from Beaufort, passing through Newbern, Raleigh and Salisbury, to the foot of the mountains, would, we think, afford such facilities for the transportation of produce, as at once to remove the disastrous disabilities we have described, and completely reverse the gloomy picture. The form of our State being long and narrow, a longitudinal road, such as the one proposed, would bring within a short distance of every door a highway affording a cheap and rapid conveyance to the market of the world. We should come into competition with others upon equitable footing, and cast off the incubus which now represses our energies and paralyses our strength. It would then matter not to us how low produce should sell, if we could bring back to our homes the articles for which we exchanged our flour or tobacco at the same grade of cheapness; for we need not remind your honorable body how totally immaterial to the prosperity of a country is the *monied* value of its products, if the articles procured in exchange for them are valuable.

The farmer, for instance, who wishes to exchange flour for salt, does not care whether his flour sells for 2 or for 10 dollars, if he has to pay the whole sum in either event for the salt. Let us see what the difference is to us in our present circumstances, from what it would be if we had a market both for sale and purchase at our own door. In Petersburg at present a barrel of flour is worth two sacks of salt, and the latter can be procured for the former. The Orange farmer, to get his barrel of flour to Peters-

burg, and then get his two sacks of salt home, has to pay exactly another barrel of flour, thereby giving in fact 2 barrels of flour for 2 of salt. To make this yet simpler: the Orange farmer brings his barrel of flour to Hillsborough, and gets 4 dollars for it, which he pays the next hour for 1 sack of salt. Could he transport it by a wish to Petersburg, it would be worth 5 dollars, which sum would there procure him 2 sacks of salt, thus adding to his means, could the transportation back be equally easy, exactly double. Now, although a rail road would not totally remove the expense of transportation as in the supposed case, it would reduce it so low as not materially to alter the circumstances of the case, and certainly not impugn the argument drawn from it.

These articles are mentioned, not as being peculiarly liable to the operation of the disadvantages of our situation, but as affording a familiar illustration of the point we have endeavored to establish.

We have extended our remarks too much to admit of more lengthened discussion of this branch of the subject. The benefits of a rail road must be obvious to all; though we doubt whether many estimate them at their full value. The expense of the undertaking, however, deters most men even from the contemplation of it, and, without inquiring into particulars, they put it from them as an unattainable good, and fold their arms in listless despondence. To combat this delusion, brings us to the consideration of the 3d thing proposed, viz. What are the means to be applied to the construction of a rail road in North Carolina?

The distance from Beaufort to the point indicated as the termination of the road is about 300 miles, the greater part being in a level country, abounding with the finest timber. Your memorialists do not profess to be able to fix an accurate estimate on the cost of this road; but, judging from data furnished by the experience of others, especially by the Petersburg Rail Road Company, who have actually made their contracts at a less proportionate cost, we may safely estimate the whole expense at less than two millions of dollars. To leave this amount to be subscribed by individuals, we believe, would be to defeat the whole project; for we have but little surplus capital amongst ourselves, and foreign capitalists would not embark in an undertaking lying under the ban of our own distrust. Let, then, the State take one half of the stock, and all distrust will vanish, all doubt disappear, and be succeeded by a cordial and active co-operation on the part of individuals in this great undertaking.

And is 1,000.000 dollars too great a sum for North Carolina to pay for her own political salvation? For if the causes operating upon our decline be traced out to their ultimate issues, we may truly say this sum is the price of her existence. A rapid and accelerating decline must result in consequences we dare not contemplate, unless arrested by a timely and efficient remedy.

Permit us to enter a little in detail as to the ability of our State to pay this sum, and let us premise that the approaching extinction of our national debt will soon reduce the contributions which our citizens now make to the general expenses of the government by more than half a million of dollars annually, and thus enable them to bear with increased facility the light burden which a judicious system of internal improvement will impose on them.

As we deem it essential that the projected road should be completed with all attainable expedition, we will suppose the amount subscribed by the State, viz. one million, be required at the very commencement of the undertaking. The most eligible mode for raising this sum, on many accounts, we deem to be by a loan, which could, no doubt, be effected to the requisite amount, at the rate of 4½ per cent. interest per annum. Supposing this interest to be paid by means of an assessed poll tax, (the most burdensome mode that could be adopted, and which we mention as such, in order to show the strength of our argument,) the rate *per capita* will be found, on reference to the last census, to be but six cents—a sum insignificant, indeed, when brought into contrast with the magnitude of the object proposed.

As successive portions of the rail road should be completed and go into operation, the revenue arising from the tolls would gradually reduce this trivial sum till it became nothing, when the State might, if the wisdom of its Legislature should so direct, wholly release itself from debt by the sale of its stock—after having accomplished a mighty work, vitally connected with her well-being, and, perhaps, with her very existence.

Discarding all local preferences ourselves, we would call upon all to unite in this great undertaking, leaving for future consideration the more immediate appropriation of the benefit by the different sections of the State. Lateral roads to the wealthy banks of the Cape Fear, to the magnificent valley of the Roanoke, and to other portions of our State, would soon be projected and executed by individual enterprize, and thus extend to every one the greatest supposable facilities for the purposes either of business or of pleasure.

Are we too sanguine in indulging the hope that your honorable body will allow these considerations to influence your determinations on this all-important subject? Our own interests, the interests of our children, and the character of our State are at hazard. To you, then, we commend their preservation. To your wisdom, to your zeal we look up with confidence, in the assured hope that our wants are fully appreciated, and our wishes will be kindly regarded.

And your memorialists will ever pray, &c.

J. S. SMITH.
P. H. WINSTON.
WALKER ANDERSON.

STATEMENTS

OF THE

AFFAIRS OF THE BANKS,

RECEIVED AT THE

TREASURY DEPARTMENT

SINCE THE DATE OF

IE ANNUAL REPORT OF THE PUBLIC TREASURER.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1831.

An Exhibit, shewing the situation of the State

		Dolls. C.
Specie,	65,668 84	
Notes of other Banks and bills of exchange,	143,052 20	
Due from other Banks,	379,348 27	
		588,069 31
Bank stock taken for debt,		90,615
Due from State of North Carolina,		83,906 11
Due from individuals by notes discounted,		1,813,348 39
Real estate,		194,095 46
Internal bills and checks,		5,838 49
		2,775,872 76

To Wm. S. Mhoon, Esq. Pub. Treas. of N. Carolina.

State of the affairs of the Bank

Ability to pay.	Am't deemed good.
	Dollars.
Amount of Bills Receivable,	782,746
Ditto Real Estate,	36,000
Individual debt unsettled,	20,000
Foreign Banks and Bills of Exchange,	53,324
Specie and United States Notes,	25,884
Balance, Loss,	213,944
	1,131,898

State of the Bank of Cape Fear, on

	Dollars.
Capital stock,	596,100
Notes of this Bank in circulation,	315,298
Deposites,	114,062
Dividends unpaid,	2,630
Profit and Loss,	77,037
Ditto by transactions in stock of this Bank,	26,707
	1,131,834

Bank of North Carolina, 22d November, 1831.

	Dolls. C.
Capital stock,	1,598,775
Notes in circulation,	784,957
Due to other Banks,	1,002 25
Profits reserved to cover bad debts, losses on real estate, &c. and out of which the present dividend of 2 per cent. is payable,	163,504 76
Due to deposites and dividends unpaid,	227,633 75
	2,775,872 76

CHAS. DEWEY, Cash'r.

of Newbern, 30th of November, 1831.

What the Bank owes.	
	Dollars.
Capital Stock of the Bank,	734,600
Due to Deposites,	74,939
Due to Foreign Banks,	107,098
" " Dividends,	1,000
" " Notes in circulation,	214,261
(Amount of Profit & Loss, nett, is $109,801)	1,131,898

BANK OF NEWBERN, Dec. 13th, 1831.

Wm. S. Mhoon, Esq. Pub. Treas'r.

SIR,—The above exhibit represents only such debts as are deemed to be good. The real estate is estimated by valuation and not its cost; and no allowance is made for loss on notes in circulation.

With great respect, your obed't serv't,

JNO. W. GUION, Cash'r.

Wednesday morning, the 30th Nov. 1831.

	Dollars.
Specie and Notes of Bank United States,	40,642
Deposites in Foreign Banks,	259,226
Due by Banks in North Carolina,	1,659
Notes of other Banks on hand,	59,973
Real Estate,	77,063
Bills of Exchange in suit,	25,909
Debt, (notes discounted, judgments, &c.)	667,362
	1,131,834

BANK OF CAPE FEAR, 17th Dec. 1831.

Wm. S. Mhoon, Esq. Pub. Treas'r.

I forward you above a general statement of the affairs of this Bank to 30th ultimo. Very respectfully, your ob'dt serv't,

JOHN HILL, Cashier.

MESSAGE

OF

HIS EXCELLENCY MONTFORT STOKES,

TO THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1832.

MESSAGE.

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,

The meeting of the representatives of freemen, in all countries where freedom exists, is at all times an interesting spectacle; and when it is considered that they come from their homes—from their fire-sides, and relinquish the comforts of domestic life to attend to their public duties; when they make great sacrifices of time, and of their private concerns, prompted by no other motive than the public good; claiming nor expecting no other reward than that of an approving conscience, it is not an easy task properly to estimate the sum of gratitude which is due from the people to their faithful representatives.

On the present occasion, suffer me to congratulate you upon the appearance of general prosperity in the State, and for the enjoyment of a common share of health by its citizens, at a time when other portions of the world have been visited by a most afflicting malady. For these blessings of health and prosperity, we have reason to be thankful to Almighty God: And it gives us just cause to rely with confidence upon *His* continued mercy in averting the calamities which threaten the peace and harmony of our beloved country. For it is not to be denied nor disguised from ourselves that the measures recommended by an excited portion of the Southern people, if persisted in, must have a tendency to weaken the ties which have heretofore so happily united us together as a nation. Whatever may be the issue of this struggle, I rejoice that the people of North Carolina have wisely avoided any interference calculated to disturb the public tranquillity. It is in vain that we look for perfection in any human institutions. An overruling Providence has ordained it to be otherwise. But so far as we have been taught, by the experience of nearly fifty years, under our present form of government, we have had reason to be satisfied with it; and it is hoped that we shall cling to the Union of the States as now connected, without adventuring upon hazardous experiments to change the terms of that connexion.

Having been appointed by the President of the United States a Commissioner to treat with the Indians and for other purposes, I have thought it my duty to accept the appointment, inasmuch as the peaceable settlement and location of the Indians removing beyond the Mississippi is a matter of great importance to the United States, and not less so to North Carolina, especially as regards the removal of that portion of the Cherokee Nation, now residing within the limits of this State. It is known to many of you that these Indians have for a long time been orderly and peaceable, and their conduct has not made it necessary for the Legislature of North Carolina to extend the laws of the State over the territory they occupy, or in any manner to inter-

fere with their concerns, except for the purposes of protection. They deserve the fostering care of the General Government, and I have no doubt will receive it.

In retiring from the duties of my station, it has been my earnest desire and intention, that no part of the business committed to me by the Legislature should be neglected; and it is believed that my retirement at this time will cause no inconvenience in any department of the government. With this determination, I have devoted my whole time, and exerted my feeble talents in promoting the success of such special objects as the Legislature, by resolutions or otherwise, has directed. Under these circumstances, I have deemed it inexpedient and unnecessary to offer any general recommendations for your consideration; confining myself to the task of rendering you a faithful account of the manner in which I have executed the trusts confided to me.

A resolution of the General Assembly directed that a "contract should be made with Mr. Ball Hughes for the restoration of the Statue of Washington upon the basis of the principles set forth in the report of the joint select committee on that subject."

In obedience to this resolution, a written contract was made with Mr. Hughes, and some time in May last he commenced the undertaking, and, so far as I was able to judge, in a manner conformable to the principles laid down in the report. Being desirous of removing his family and materials to this place, he returned to New York about the first of July, under an express promise to return and prosecute the work in fifteen days. With a confident reliance upon this promise, and to facilitate the speedy removal of his family, his workmen and materials, a sum of money was advanced, perhaps beyond the portion of labor done according to the terms of the contract. Of this, however, I confess myself not a competent judge. The whole sum advanced to Mr. Hughes amounts to two thousand eight hundred dollars. Mr. Hughes, finding (as I understand from him) that sickness prevailed to an alarming extent in New York, removed with his family to New Jersey, and has not returned to North Carolina. He has since requested that the moulds and casts for the repair of the statue should be forwarded to New York, where he intended to prosecute the work. I thought proper to forbid the removal of any thing pertaining to the Statue, as the contract requires that the repairs shall be made at Raleigh. The contract, together with the letter of Mr. Hughes, is herewith submitted.

A resolution of the General Assembly directs that "all the maps, drafts and plans lately in the possession of the Engineer of this State shall be placed in the Executive Office, and that they be repaired at the expense of the State, and be kept under the direction of the Governor, subject to the further disposition of the General Assembly." This duty has been performed, and the maps, drafts, and plans have been repaired, and are securely deposited in the Executive Office.

The resolution directing the "employment of an agent to arrange in proper order all the papers belonging to the Senate and House of

Commons and others, which were saved during the conflagration of the State House, and that they be delivered to the proper officers of the State," has been complied with, so far as the assorting and arrangement; but owing to the want of sufficient cases and shelves in the Government House, to hold the papers belonging to the Senate and House of Commons, they have been carefully labelled and filed in a room in the office of the Secretary of State, subject to such disposition as the General Assembly may hereafter make. This arrangement was a laborious one, and has been faithfully performed by my Private Secretary, Mr. William R. Hill, the former Librarian of the State.

The Acts of Assembly establishing Rail Roads, have been attended to. Considerable difficulty and delay occurred in procuring an Engineer to make the surveys required. The services of Mr. Francis W. Rawle, of Pennsylvania, were at last obtained; and he has been engaged in the survey of both routes; which, it is hoped, will prove satisfactory. As soon as the surveys are completed, a particular report on that subject, as well as on other objects which engaged the attention of the Board of Internal Improvements, will be laid before you by the remaining members of the board.

Pursuant to the resolution directing "the Dredging Machine belonging to the State to be secured in such manner as to preserve it from ruin," I gave directions for Captain Blany, in whose possession it was, to deliver it to Gen. Edward B. Dudley, of Wilmington, for the purpose of having it secured. On examination, it was found that the vessel containing the machine was so much decayed as to be unfit for use; that the machine itself was greatly injured; and that it would cost the State a considerable sum of money to have it taken to pieces and stored in safety. In the opinion of many persons, the cost would be more than the machine was worth. Under these circumstances, I have directed it to be delivered to the Cape Fear Navigation Company, in which the State is much interested, and their agent has engaged that it shall be taken care of.

The resolution directing the appointment of some "intelligent person to act on the part of the State in collecting testimony, and causing such surveys as may be necessary to the just prosecution of the suit pending in the Supreme Court, in the name of the Attorney General, for vacating certain grants made by this State," has been attended to; and I have appointed for this purpose, Thomas Dews, Esquire, of Rutherford, in whose integrity and capacity I have the most perfect reliance.

With respect to the resolution in favor of the sisters of the full blood of James N. Forsythe, I have felt myself somewhat at a loss how to proceed. No claim has been made for the money, nor do I know where the family reside. I have not made the transfer of the shares to the State as directed by the resolution, inasmuch as in my absence, there was no person authorised to receive and pay away the money appropriated for the said four shares. I have therefore left the shares as they were, and have deposited in the State Bank the money placed in my hands as guardian ex-officio of James N. Forsythe, amounting to

one hundred and seventy-four dollars and fifty cents. This money is subject to the draft of my successor in office. The certificate of stock of the four shares is left in the hands of the Public Treasurer.

The resolution requiring the Governor to "appoint some person resident in the city of Raleigh, who shall correspond with different persons in this State for the purpose of procuring copies of the Acts and Journals of the General Assembly" to replace those destroyed by the burning of the State House and Public Library, has been attended to; and Mr. Joseph Gales, of Raleigh, has been appointed for that purpose. The progress he has made in performing the duty required, shows that the business could not have been placed in better hands.

The resolution requiring the "Governor to make application to the proper authorities of the United States for as many pistols and sabres as may be necessary to supply such troops of cavalry as are now organized, or are about to be organized within this State," has been complied with, and one thousand pair of pistols, and five hundred sabres have been received from the United States, as part of this States' quota of public arms. They have been partly distributed agreeably to the law on that subject, and the remainder are in the Arsenal at Fayetteville.

In obedience to the resolution directing the "Mathematical Instruments belonging to the State, and formerly attached to the Engineer's Department," to be collected and placed under the care of D. H. Bingham, of the city of Raleigh, an order was issued to that effect, and many of the instruments are now in the hands of Mr. Bingham. It is to be regretted that they were much injured before they came into his possession, and some of them rendered unfit for use without repairs. A list of those collected is herewith furnished.

Since the adjournment of the Legislature, I have received from the Secretary of State of the United States, a number of copies of the acts of the second session of the twenty-first Congress, which are in the Executive Office, subject to your order for their distribution. I have also received from the same source, three copies of the "Fifth Census, or enumeration of the inhabitants of the United States, taken in 1830, to which is prefixed a schedule of the whole number of persons within the several districts of the United States, taken according to the acts of Congress of 1790, 1800, 1810 and 1820." One for the Executive Office, and one for each House of the General Assembly. This is a valuable document, and will be delivered to you by my Private Secretary, with this message.

An elegant Map and Atlas, with statistical views of the State of Maine, has, by the direction of the Legislature of that State, been presented to the State of North Carolina; and I beg leave to recommend that a similar donation be made in return, as soon as the new Map of this State is completed.

I have received communications from the Governors and Legislatures of several States, which I am requested to lay before you. Those from Massachusetts, relate to the unsettled question of the north east-

ern boundary of the United States. Those from Tennessee relate to the subject of the public lands of the United States, and to the powers of the General Government to make appropriation for Internal Improvements, and approving the conduct of the President of the United States in placing his veto on the Lexington and Maysville Turnpike Road Bill. Those from Louisiana, relate to the establishment of a Rail Road from New Orleans, to pass through the States of Louisiana, Mississippi, Tennessee, Alabama, North Carolina, and Virginia, to the City of Washington.

The resignations of Militia Officers and Justices of the Peace, received since the adjournment of the General Assembly, are laid before you in the file marked A.

In this last act of my political relations with the State of North Carolina, I should be ungrateful in withholding the expression of my unfeigned thanks for the many testimonies of confidence and support which I have received from the Legislature and from the People, in the course of a public life of forty-seven years spent in their service in various stations; in all of which I have received the most unequivocal proofs of their indulgence.

I have the honor to be,

Gentlemen,

Your obedient servant,

MONTFORT STOKES.

Executive Office, North Carolina,
November 19th, 1832.

REPORT

OF

THE PUBLIC TREASURER

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

Transmitted, according to act of Assembly, on the 21st November, 1832.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

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1832.

TREASURY DEPARTMENT, No. CA.
19*th November*, 1832.

SIR,

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to the act of 1827, entitled "an act concerning the Public Treasury."

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

W. S. MHOON.

The Hon. the Speaker

of the House of Commons.

REPORT.

TREASURY DEPARTMENT, 19th NOV. 1832.

The Honorable the General Assembly of the State of North Carolina.

In obdience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "an act concerning the Public Treasury," the Public Treasurer respectfully submits the following

REPORT:

I. OF THE PUBLIC OR UNAPPROPRIATED REVENUE AND EXPENDITURES.

The balance of cash remaining in the Public Treasury on the 1st day of November, 1830, was - - - -		$69,750 84
The receipts during the ensuing fiscal year, ending on the 31st day of October, 1831, amounted to - -		95,733 10
		165,483 94
The disbursements during the same period, (including a transfer of $29,074 96 from the *Public* to the *Literary* Fund,) amounted to - - - - -		132,460 95
Which, deducted, show the balance of cash remaining in the hands of the Public Treasurer to the first day of November, 1831, as reported to the General Assembly of that year, and for which he is charged in the books of this office, to be - - - - - - -		33,022 99
The receipts at the Treasury from all sources of unappropriated revenue, during the last fiscal year, that is, from the 31st Oct. 1831, to the 1st Nov. 1832, amounted to ninety-four thousand five hundred dollars and forty-three cents, (94,500 43,) viz:		
Cash received of the Sheriffs for Public tax, being the *ordinary* revenue of 1831, payable into the Treasury on the 1st Oct. 1832, and not otherwise appropriated, - -	$66,905 73	
Ditto fines imposed for failing to comply with the act of 1831, - - - -	3,600 00	
Ditto on account of additional returns of taxes, (see statement marked A.) - -	696 19	
Ditto State Bank of North Carolina, for dividends on 2764 shares of stock, at 2 per ct. for the half year ending in December, 1831,	5,528 00	

Ditto ditto for the half year ending in June, 1832,		5,528 00	
Ditto Bank of Cape Fear, in full for the tax of one per cent. on their capitol stock, (3073 shares,) for the year 1832, payable 1st Oct.		3,073 00	
Ditto Bank of Newbern, on account of the tax of one per cent. on their capital stock, payable 1st Oct. 1832, this sum rec'd in part,		4,570 00	
Ditto Buncombe Turnpike Company for dividends on the stock owned by the State in said Company,		125 00	
Ditto the Executor of Mrs. E. E. A. Haywood, for rent of public lots in the city of Raleigh, rent of 1831,		10 00	
Ditto on bonds for sales of lands and negroes belonging to the late Jno. Haywood, Esq. (statement B.)			
principal,	$3,303 67		
Ditto ditto interest,	733 44		
		4,037 11	
Ditto Charles Manly, Esq. amount of first bond given for the purchase of the Machine tract of land, principal,	409 00		
Ditto ditto interest,	18 40		
		427 40	
			94,500 43
Which, with the balance stated above, show an aggregate amount of			127,523 42

The disbursements at the Treasury for the same period, that is, from the 31st Oct. 1831, to the 1st Nov. 1832, for which vouchers have been delivered to the Comptroller, and by him allowed, amount to — 119,598 68½

Which, deducted, show the balance of cash remaining in in the hands of the Public Treasurer, and for which he is accountable, to the 1st November, 1832, to be — 7,924 73½

The disbursements for the year, as stated above and deducted, consist of the following items, viz:

General Assembly,	$40,379 49
Judiciary,	24,603 45
Executive Department,	2,300 00
Treasury Department,	2,000 00
Department of State,	1,171 00
Comptroller's Department,	1,000 00
Adjutant General's Office,	200 00
Treasury Notes burnt by committee of Finance, session of 1831,	29,811 77
Pensioners,	760 00
Congressional Elections,	22 50
Governor's House,	600 00
Public Printer,	900 00

Stock in Roanoke Navigation Company, - -	500 00
State Bank of North Carolina, interest on the deferred payment for stock, - - - - -	8,356 24
Bogue Banks, - - - - -	198 25
Sheriffs for settling tax, - - - -	866 40
Contingencies, - - - - -	4,908 87
Repairs of Statue, - - - - -	2,800 00
Tuskarora Indians, - - - , -	3,220 71½
	119,598 68½

For a more detailed exhibit of the items which make up this expenditure, and of payments on account of "allowances or drafts made by the General Assembly, and warrants issued by the Governor," &c. as required by the 11th section of the act of 1827, the Comptroller's Statement, prepared for the use of the members of the present General Assembly, is respectfully referred to. The specification of the disbursements therein stated, is made from the vouchers received and paid for at the Treasury, and will be found to agree with the entries in the books of this office.

The following statements of the moneys received and expended on account of the Literary, Internal Improvement and Agricultural Funds, are also submitted in further discharge of the duties required by the several acts of Assembly.

II. OF THE LITERARY FUND.

The balance of cash remaining in the hands of the Public Treasurer, as Treasurer of this Fund to the 1st Nov. 1831, as reported to the General Assembly of that year, was, $75,025,96½

The receipts at the Treasury of money belonging to this Fund, from the 31st day of October, 1831, to the 1st day of Nov. 1832, amount to thirteen thousand one hundred and thirty dollars and sixty-five cents, and consist of the following sums, viz.

Cash received for Entries of Vacant Land,	$7,898 72	
Ditto for Tax on Sales at Auction received of sundry auctioneers, - - -	570 57	
Ditto for Tavern Tax received of Sheriffs, -	2,632 00	
Ditto State Bank of North Carolina for dividends on 282 shares of Stock (owned by the President and Directors of this Fund) at 2 per cent. for the half year, ending Dec. 1831, - - -	564 00	
Ditto - - ditto - dividends on the above shares for the half year ending June, 1832, - - -	564 00	
Ditto Roanoke Navigation Company for dividends on 500 shares of stock (appropriated to this Fund) at one and three-quarters per centum, declared Nov. 1831,	875 00	

Ditto for Tax on Fairs held in Richmond county per Act of Assembly of 1830, - -	26 86	
		13,130 65
Making, when added to the balance above stated, the amount of - - - -		88,156 61½

There has been no expenditure from this Fund during the year.

III. OF THE AGRICULTURAL FUND.

The Cash received from all sources (appropriated to this Fund) viz. from Clerks of the County, Superior and Supreme Courts, and from Clerks and Masters in Equity, from the 31st Oct. 1831, to the 1st Nov. 1832, (statement C.) amounted to - - -	$523 20	
Deduct Disbursements (D) during that period, made agreeable to the returns of said Clerks, &c. and for which vouchers have been taken and passed to the Comptroller - -	93 49	
Showing a balance unexpended of - -		429 71
This "unexpended balance" is directed by Act of Assembly of 1825, Chap. I. to be transferred to the Literary Fund, which being added, shows an aggregate amount of Cash on hand belonging to that Fund on the 1st Nov. 1832, of - - - -		88,586 32½

IV. OF THE FUND FOR INTERNAL IMPROVEMENT.

Balance on the 31st of October, 1831, as reported to the General Assembly of that year, - -		$7,944 19½
The receipts at the Treasury on account of the Fund for Internal Improvement, from the 31st Oct. 1831, to the 1st day of Nov. 1832, amounted to two thousand six hundred and one dollars and thirty-six cents, viz.		
Cash received from sundry purchasers of Cherokee Lands, appropriated by Law to this Fund (Statement E) Principal, -	$1,909 38½	
Ditto ditto Interest, - -	691 97½	
		2,601 36
		10,545 55½

The expenditures for the same period (F) amounted to nine thousand seven hundred and thirty-two dollars and fifteen cents, viz.

Appropriation for surveys of Rail-roads,	$4,476 12
Work on Cape Fear River, being so much paid	

on the State's Subscription for Stock in C. F. Nav. Co. - - -	1,562 49	
Tennessee River Turnpike, - -	2,000 00	
Work on Broad River, - - -	1,500 00	
Money refunded to sundry Cherokee purchasers per Resolution, - - -	78 54	
Superintendent Public Works, - -	100 00	
Secretary Board Internal Improvement, -	15 00	
		9,732 15
Which deducted leave a balance at Credit of this Fund to the 1st day of Nov. 1832, of - -		813 40¼

Since the Banks of Newbern and Cape Fear have ceased to declare dividends on their Capital Stock, the receipts on the bonds given by the purchasers of Cherokee Lands constitute the only source of revenue belonging to the Fund for Internal Improvement. As it was the *dividend* only, and not the stock itself, that was appropriated to this fund, there can be no expectation of a return of its means to effect much, without the provision of new resources. Under a resolution of the General Assembly of 1829, directing the Public Treasurer "to abstain from collecting any money due upon Cherokee Bonds, given for land lying within the county of Macon, or lying within the county of Haywood, where the same is covered," &c., the collections on these bonds have been in a great degree suspended, and must remain so until the suits against the purchasers now pending in the Federal Court are decided.

The balance of the State's last subscription of $25,000 for stock in the Cape Fear Navigation Company, is regarded as being first entitled to be discharged from this fund. Should the collections in the course of the winter prove insufficient, after paying that balance, to discharge the debts contracted on account of the Rail-road surveys, ordered by act of the last Legislature, such deficiency will be supplied from any other money in the Treasury belonging to the Public Fund.

RECAPITULATION.

The foregoing statements shew balances of Cash on hand to the 1st day of November, 1832, as follows, viz.

Amount as Public Treasurer, - - -	$7924 73¾
Ditto Treasurer of the Fund for Internal Improvement,	813 40¼
Ditto Treasurer of the Literary Fund, - -	88,586 32¼
Making an aggregate amount of - -	$97,324 46¼

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this, and the Comptroller's office, and for which he is therefore accountable to the 1st day of November, 1832. That amount is disposed of, (as directed by law,) in the following manner, viz.

Deposited in the State Bank of North Carolina, at Raleigh, and remaining at the credit of the

Public Treasurer, on the 1st day of November, 1832, - - -	$38,067 27	
Ditto Bank of Newbern ditto -	24,714 21	
Ditto Bank of Cape Fear, Fayetteville, -	12,100 88	
		74,882 36
Worn Treasury Notes, Silver Change, &c. deposited in the Vault of the Treasury, - - -		22,442 10¼
		$97 324 46¼

In conformity with the provisions of an Act, passed at the last Session of the General Assembly, entitled "an Act to change the disposition of the money constituting the Agricultural Fund," all the accounts kept in this office, for the purpose of preserving a separate and distinct record of the receipts and disbursements of that fund, were discontinued with the expiration of the last fiscal year. No returns have been received since the passing of the Act; but the accounts were permitted to remain open until the end of the year, in order that certain arrearages due from some of the clerks might be collected, and that the individuals, entitled under former returns, might have as much time as possible to present their claims.

The amount annually disbursed at the Public Treasury, for the purpose of defraying the necessary expenses of the Government, exclusive of specific appropriations for works of Internal Improvement, the redemption of Treasury notes, &c. may be stated at an average of about eighty thousand dollars, viz.

Expenses of the Legislature, - -		$40,379 49
Ditto	Judiciary, - - -	24,603 45
Ditto	Departments at the seat of Government,	7,271 00
Ditto	Public Printer, - - -	900 00
Ditto	Sheriffs for settling Tax, - -	866 40
Ditto	Pension List, - - - -	760 00
Contingencies, including the average expense of holding Congressional elections, and elections for President and Vice-President of the U. S. &c. &c. - -		5,508 87
		$80,289 21

The permanent unappropriated revenue of the State, it is conceived, ought to be so regulated, as, in any event, to meet this expenditure. The most captious could hardly find a substantial objection to paying his fair proportion of such a tax as will only defray the necessary expenses of a government, which, while it affords an efficient protection to persons and property, is so modeled, as to operate with a rigid regard to economy. The *ordinary* public revenue of this State has not been adequate to this purpose for many years. The amount annually received of the sheriffs, exclusive of taxes appropriated to specific objects, has, for the last ten years, fluctuated between sixty-three and sixty-eight thousand dollars, showing an annual deficit, in this source of revenue, to meet the current expenses of the government, of twelve to seventeen thousand dollars. This deficiency has been supplied by dividends on bank investments; by the issuing of Treasury notes, at different times ordered by the Legislature, large amounts of which were laid out for bank stock, which again yielded a dividend; by the pro-

ceeds of the sale of public lots and lands in the city of Raleigh and its vicinity;—and by sums derived from other incidental sources of revenue. All these are, in their nature, fluctuating and temporary, and have, of late, been nearly discontinued. The Bank of Newbern has declared no dividend since the year 1829; the Bank of Cape Fear since the year 1830; and the State Bank continues to divide only two per cent. semi-annually. On the other hand, the demand at the Public Treasury, for the redemption of Treasury notes, has increased, as the notes have become worn and unfit for circulation; though this demand may not be expected to be so great in any future year as heretofore. These causes, and others, have contributed, and do still, to lessen the balance of cash in the Public Treasury, at the end of each successive year. The balance now on hand, as herein reported, $7,924 73¾, it will be seen, is less than the amount of worn Treasury notes put up and arranged for burning (Statement K) by the sum of eight thousand six hundred and twenty-two dollars and thirty-seven cents, ($8,622 37.) The Treasury notes cannot be regarded as available funds; and hence, in fact, though apparently otherwise, the Public Fund was deficient on the 1st day of November, by just the amount of excess mentioned above. It is believed that this difficulty may be met, in a great degree, if not entirely, by a proper revision and enforcement of the laws regulating the assessment of lands in this State, without resorting to the imposition of new or increased taxes. Such a measure, by preventing the numerous frauds and evasions practised by individuals under the present system of assessing lands for taxation, would, in all probability, increase the revenue to the desired amount; and so give the Legislature a control over the investments of the State, when thrown upon their hands, and enable them, with advantage, to re-invest in works of Internal Improvement;—to make provision for the increase of the Common School Fund;—or to direct such other expenditures, as, in the exercise of a wise legislation, may be deemed conducive to the moral or physical improvement of the community. The time will arrive before the expiration of the present session of the General Assembly, when, according to the provisions of the amended charters of 1829, the banks of this State are permitted to divide portions of their capital. The situation of these institutions warrants the expectation, that large dividends of capital will be made as early as the terms of the charters will permit. Under these circumstances, it is respectfully suggested, whether some legislation on the subject of the future disposition of the money, may not be expedient. The files marked (I,) (L) and (M,) accompanying this report are refered to for the necessary data.

In connection with this subject, as it regards the State Bank, it may not be improper to remark, that, of the original subscription of 2,500 shares, the sum of eighty-three thousand nine hundred and six dollars and eleven cents, ($83,906 11,) has never been paid. By a special provision of the charter of 1811, the State has received dividends on the whole number of shares subscribed, "deducting therefrom a sum equal to four per centum upon such part of the said stock as has not been actually paid for by the State, on the day when the dividend is declared, out of which the retainer is made." This interest of four per cent. on the deferred balance, has been regularly retained by the bank from the December dividend. If not otherwise instructed, the dividends of capital on so much of the stock as has not been paid for, will be applied to the discharge of that debt.

The inconvenience resulting from the diversity of currency prevailing in

different sections of the State, continues to be much felt in transacting the business of this department.

Frequent drafts on the Literary Fund, to supply the deficiency of the Public Fund, have been made during the past year, and the cash replaced so soon as the receipt of the tax of 1831 afforded the means. The following statement shows the amount which the *Public* stood indebted to the *Literary* Fund, at each monthly settlement after the former became exhausted:

On the 1st January, 1832, there had been used of the Literary Fund,	-	-	$2,937 20
February,	do.	do.	51,271 68¼
March,	do.	do.	52 913 25¼
April,	do.	do.	52 766 05¼
May,	do.	do.	58,380 11¼
June,	do.	do.	60,823 92¼
July,	do.	do.	60;445 30¼
August,	do.	do.	64 339 88¼
September,	do.	do.	56,762 66¼
October,	do.	do.	5,198 42¼

In the course of the month of October, the balance was entirely discharged. The use which is thus made of the cash belonging to this Fund, excludes the possibility of carrying into effect the design contemplated by the Act of 1825; and the President and Directors, instead of investing, or otherwise disposing of it for improvement, as directed by that Act, have been obliged, virtually, to relinquish for a time, their control over it. To suffer thus to go to decay, and to be consumed, means liberally provided and set apart by previous Legislatures for the benefit of an after generation, resembles, in some respects, the conduct of an improvident heir, who wastes in mere indolence, what has been saved, by the industry and economy of the ancestor, for the lasting improvement of the inheritance. Were it properly in the line of official duty, the Public Treasurer, as a member of that Board, would here venture a hope, that some provision may be made to enable them to preserve and improve that Fund, for the valuable ends had in view by the Assembly of 1825. The proceeds arising from the profitable investment of the amount of cash now on hand, $88,586 32½, would be sensibly felt in its accumulation.

Under the operation of an Act, passed at the last session of the General Assembly, entitled "an Act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes," the penalty of two hundred dollars has been imposed on twenty-two of the sheriffs. Of these, eighteen paid up the penalty at the time of settlement. Against the others, judgments have been taken in the Superior Court of Wake county. In relation to these fines, the Act precluded the exercise of any discretion on the part of the officer of this Department; and hence they have been rigidly enforced in every instance where they were incurred. It is believed, however, from the knowledge possessed here, of the promptness and integrity of these officers generally, and especially of those who readily discharged the penalty, and from other evidence furnished by themselves and by the clerks, that there did not exist, in a single instance, such an attempt at fraud, or even such a degree of negligence, as it was the design of the framers of that law to punish. Many of these delinquencies resulted, no doubt, from the fact, that in many counties in the State, the County Court which precedes the settlement here, and at which the return and affidavit mentioned in the

Act of Assembly are required to be made, takes place earlier than it is usual, even to commence the collection of the taxes in those counties. In several, the Courts are held during the first and second weeks in the month of July, when a strict compliance with this Act might result, were there no other incentive to duty, in the entire loss to the State, of the whole amount of this species of tax. Would not the restraint intended operate with more efficacy, were the Clerk authorized, either by himself, or before one or more justices of the peace, to receive the list and affidavit, otherwise than in open Court?

In the last annual report of the Public Treasurer, it was stated, that the money due at this office, for the use of the Tuskarora Indians, had been all collected, and remained in the Treasury, subject to the order of that tribe of Indians. They were informed of the terms upon which they might receive it. Since that time, upon their complying with the requisitions contained in the fourth section of the Act of 1828, Chap. 19, entitled "an Act concerning the lands formerly occupied by the Tuskarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river," by executing to the State such a release as is therein directed, the whole amount, $3,220 71¼, has been paid over to their agent, the Honorable Bates Cooke. His receipt for the money, with an attested power of attorney attached, has been passed to the Comptroller's office as a voucher; and the deed of release, executed by the "Chiefs or Head Men" of the tribe, and authenticated by a high judicial officer, and the chief executive of the State of New York, deposited with the Secretary of State, by him recorded, and placed on the proper file in that office.

The balance which remained unpaid of the last subscription of the State, for stock in the Roanoke Navigation Company, and which that Company, for a long time, declined receiving, on the ground that they were entitled to interest on so much of the subscription as was not promptly paid, has been discharged. A certificate for the whole number of shares, (500, at $100 each,) subscribed by the State, was thereupon furnished by the Company, which has been recorded by the Secretary of State, and returned to this office, agreeably to the directions of the Act for perpetuating the evidence of stock. A certificate for the stock held by the State in the Plymouth Turnpike Company (100 shares at $25) has likewise been procured, recorded, and filed in this office.

In the year 1828, the President and Directors of the Literary Fund invested a portion of the cash belonging to that Fund, in stock of the banks of Newbern and Cape Fear. These banks continued to pay the tax of one per centum on the shares thus purchased, and held in the name of the President and Directors of the Literary Fund, as on shares "not owned by the State," until the present year. The collection of this tax is now resisted by the President of the Bank of Newbern, and a deduction of that which was paid for the years 1828, 29, 30 and 31, from that which is due for the present year on the other shares not owned by the State, claimed, on the ground that the State is the proprietor of those shares; and that, consequently, the words "not owned, &c." exempt them from the tax. The question was immediately put into a train for adjudication before the proper tribunal, by a motion in the Superior Court of Wake county, for judgment against the bank, for the whole amount of tax, as heretofore paid. The opinion of the Court sustained the claim of the bank, and an appeal has been taken to the Supreme Court. Should the decision be ultimately against the State, and

should the Legislature approve the suggestion, that the Bank of Cape Fear be dealt by according to such decision, a directory resolution of such purport would be sufficient authority to act accordingly.

The file marked G, accompanying this report, contains a detailed statement of the nett amount of the different branches of the ordinary revenue, and the cash received thereon; also the receipts from other sources not appropriated to particular funds, and payable into the Treasury, from the 1st of Nov. 1831, to the 1st of Nov. 1832.

The aggregate amount of Treasury notes issued, the several amounts burnt, and the balance unredeemed and in circulation on the 1st Nov. 1832, are exhibited in statement K. The diminution of their return upon this office for redemption, it will be perceived, has been very material.

A statement of the amount of insolvencies allowed by the Comptroller, in settling with each sheriff, appears in file H.

(I) Shows the number of shares of bank stock owned by the State, and by the President and Directors of the Literary Fund, exhibiting also the number on which the dividends have been appropriated to the several funds respectively.

(L) Bank exhibits received at this office since the last Assembly.

(M) A statement of the account of the State of North Carolina with the State Bank, for the original subscription of 2,500 shares, showing when, and in what, payments were made on this account.

All which is respectfully submitted,

WILLIAM S. MHOON, Public Treasurer.

(A)

Statement of cash received in the Treasury from the 31st day of October, 1831, to 1st day of November, 1832, on additional returns of taxes.

Sheriffs.	Counties.	Tax due.	Amount paid. D.	C.
Brice Fonveille	Onslow	1830	203	44
John M. Allen	Montgomery	do	23	71
Fielding Slater	Rowan	do	3	33
Thomas Ward	Lincoln	do	19	58
William C. Clanton	Warren	do	1	52
William C. Butler	Burke	do	52	50
Willian Carson	Rutherford	do	32	83
Nathaniel Harrison	Buncombe	do	44	62
Henry G. Williams	Franklin	do	13	16
James H. Wood	Northampton	do	27	89
Richard G. Cowper	Hertford	do	13	02
Samuel S. Shepherd	Martin	do	12	99
Henry S. Spencer	Hyde	do	38	29
John Barnett	Person	do	12	02
John M. Allen	Montgomery	do	26	24
George Williamson	Caswell	do	21	95
Leslie Gilliam	Granville	do	26	81
Martin Roberts	Rockingham	do	3	56
Gabriel Holmes	New Hanover	do	23	70
Samuel Cain	Bladen	do	32	07
William D. Rascoe	Chowan	do		82
Lewis Bond	Bertie	do	16	11
John J. Bryan	Wilkes	do	4	29
Archibald S. Browne	Robeson	do	6	20
William Crawford	Richmond	do	5	72
Thomas K. Morrisey	Sampson	do	8	24
John Parker	Edgecomb	do	17	67
Walter Davenport	Lenoir	1831	3	91
			696	19

I. WETMORE, Clk T. B.

(B)

Statement of cash received in the Treasury on the bonds due for the sales of land and negroes lately the property of John Haywood, deceased, from 31st October, 1831, to the 1st day of November, 1832.

From whom received	Bonds paid.	Principal. D.	C.	Interest. D.	C.	Total. D.	C.
John S. and Geo. W. Haywood	part 3d	300				300	
Edward Rigsbee	2d	126	38	94	31	220	69
Durrell Rogers	3d	55	34	27	76	83	10
John Stuart	3d	133	33	32		165	33
John S. and Geo. W. Haywood	part 3d	200				200	
Mrs. Martha Jones	1st	78	96	38	74	117	70
do do	part 2d	150				150	
Martin Pickett	3d	1,075		266	26	1,341	26
Alfred M. Haywood	2d	120		29	61	149	61
Abner Pasteur	3d	100		24	17	124	17
Bennet Flanner	3d	96	66	22	99	119	65
Jonathan Haralson	3d	421	33	104	84	526	17
Junius Sneed	2d & 3d	57		15	42	72	42
Martha Jones	part 2d	100				100	
James Boyd	3d	66	67	17	54	84	21
John Dunn	3d	89	34	24	06	113	40
Edmund H. Whitfield	3d	133	66	35	74	169	40
		3,303	67	733	44	4,037	11

I. WETMORE, Cl'k T. D.

(C)

Statement of receipts and disbursements at the Public Treasury of North Carolina, on account of the Agricultural Fund, from 31st of October, 1831, to 1st day of November, 1832.

RECEIPTS.

Date.	From whom received.	Official character.	Counties.	Sum.
1831				D. C.
Nov. 21	Charles W. Jacocks	Clerk & Master	Bertie	6 25
"	James Griswold	do do	Wayne	1
"	Samuel Johnson	do do	Franklin	75
22	William Williams	do Co'ty Court	Greene	7 32
"	Jesse Harper	do do do	Randolph	19 38
"	Benj Elliott deputy	do Sup'r do	Ditto	15 85
"	Benj. E. Cook	do do do	Warren	22 51
"	Far. Martin	do do do	Momtgomery	3 66
"	J. B. Martin	do County do	Ditto	4 35
25	Nicholas Washington	do Sup'r do	Wayne	9 50
"	Robert Galloway	do County do	Rockingham	4
28	Thomas Searcy	do Sup'r do	Ditto	40
Dec. 1	Benj. S. King	do County do	Wake	6 80
"	W. R. Lenoir	do Sup'r do	Wilkes	25 86
"	Arch'd M'Queen	do do do	Robeson	17 30
8	Carr Darden	Clerk & Master	Hertford	24 50
12	Vardy M'Bee	do County do	Lincoln	7 07
"	Lawson Henderson	do Sup'r do	Ditto	26 24
14	Alex. M'Dowell	do do do	Bladen	3 80
"	Wm. B. Lockhart	do do do	Northampton	17 02
"	do do deputy	Clerk & Master	Ditto	59 23
20	Philip Hooks	do County do	Wayne	5 52
"	Daniel M'Dairmid	do do do	Cumberland	14 15
28	Blount Coleman	do Sup'r do	Lenoir	12 55
1832				
Jan'y 14	J. M. Hutchinson, former	do do do	Mecklengurg	41 92
17	Andrew Harrison	Clerk & Master	Caswell	136 15
"	James G. Spears former	do Sup'r do	Cabarrus	5 64
"	James Wells	do do do	Chowan	1 90
July 17	Abner B. Bruce	do do do	Orange	22 58
				523 20

I. WETMORE, Cl'k T. D.

(D)

DISBURSEMENTS.

1831			D.	C.
Nov.	Cash paid	Richard Elder	1	38
	do "	B. Elliott	1	06
Dec. 10	do "	M'Farland, Oakley and others	25	90
16	do "	Commissioners of town of Newbern	10	20
May 1	do "	Walter Graham	3	30
15	do "	M. Smith	18	96
June 29	do "	George E. Badger	4	
July 2	do "	James Holloway and Gideon Robertson	6	84
"	do "	Bird Eskridge	4	19
Aug. 2	do "	James F. Taylor's Administrator	9	
"	do "	Charles Manly	2	
Sept. 10	do "	Executor of Kemp Plummer	4	
Oct. 17	do "	Sarah M. Jeter	2	36
"	do "	Stephen Stephenson		30
			93	49

I. WETMORE, Cl'k T. D.

(E)

Statement of cash received in the Treasury on the bonds due on account of sales of Cherokee lands from the 31st of October, 1831, to the 1st November, 1832, belonging to the Fund for Internal Improvement.

Date.	From whom received.	Bonds paid.	Principal.	Interest.	Total.
1831			D. C.	D. C.	D. C.
Nov. 24	William Buchanan	full 4th	9 84	16 78	26 62
25	Henry Dryman	part 2d	20 55	18 45	39
"	John C. Galloway	full 4th	12 50	3 12	15 62
Dec. 1	John Fergus	3d & 4th	65 15	42 76	107 91
2	Joseph Welch	1, 2, 3 & 4	152 25	35 12	187 37
"	do do	1st	58 12½	19 43½	77 56
"	do do	part 2d	97 64		97 64
"	George Lowdermilk	full 2, 3, 4	47 46¾	15 62¼	63 09
"	do do	2d & 3d	25 12½	8 89½	34 02
"	John Standridge	2d, 3d & 4th	54 37½	28 32½	82 70
"	Joseph E. Bell	part 3d	52	3	55
"	James Ruddell	full 3d	31 98	24 75	56 73
"	George F. Caler	4th	4 07	62	4 69
"	Samuel Broadway	2d	13 58	8 49	22 07
"	do do	part 3d	17 93		17 93
19	Lincoln Fullam	full 4th	27 59	24 17	51 76
24	David Millsaps	3d	24 75	9 23	33 98
"	William Kimzey	3d	38 25	18 88	57 13
"	do do	part 4th	16 90	1 97	18 87
"	John Bryson, Jr.	full 2d	12 97½	18 52½	31 50
"	do do	3d	67 50	28 90	96 40
"	do do	4th	67 50	25 24	92 74
"	John Watson	4th	9 78	8 59	18 37
"	Samuel Sherrell	part 3d	20		20
"	Marmaduke Kimbrough	full 4th	66 16	22 43	88 59
28	Abraham Enloe	1st & 2d	13 43½	12 41½	25 85
Dec. 29	George Lowdermilk	full 4th	12 56¼	3 19¾	15 76
"	James Ruddell	part 4th	20		20
30	David Rogers	full 3d	118 87	48 24	167 11
"	do do	part 4th	44 89		44 89
1832					
Jan'y 2	Joseph Welch	2d	18 61	18 82	35 43
7	John Dobson	3d	25		25
"	Taviner B. Moore	4th	47 50	8 50	56
13	John Bryson, Jr.	full 3d	24 75½	7 43½	32 19
"	Bynum W. Bell	3d & 4th	35 21	12 31	47 52
14	David Rogers	part 4th	65		65
"	John Redmond	full 3d		3 23	3 23
"	do do	part 4th	6 77		6 77
18	William Underwood	full 1, 2, 3	29 25	11 11	40 36
"	Ute Sherrell	1st	15 06½	6 72½	21 79
"	do do	part 2d	13 21		13 21
	Joseph Welch	full 1st	69 25	37 73	106 98

"	do	do	part	2d	4 52			4 52
May 15	Joshua	Roberts	full	2, 3, 4	233 25	91 74		324 99
"	do	do	2d, 3d &	4th	98 25	35 64		133 89
17	William	Kimzey		4th		13 58		13 58
					1909 38½	691 97½		2601 36

I. WETMORE, Cl'k T. D.

(F)

Statement of disbursements at the Treasury, made from the Fund for Internal Improvements, from the 31st day of October, 1831, to 1st day of November, 1832.

1831		D.	C.
Jan'y	Cash paid Green B. Palmer, for work done on Broad River, per resolution of General Assembly of 1831,	1,500	
	ditto refunded to John Bryson, Jr. per do do	14	53
	ditto do Jacob Caler, per do do	4	01
Feb'y 2,	ditto paid James Wyche, to be expended in the service of the Rail Road surveys, ordered by General Assembly of 1831,	200	
April 24,	ditto paid James Mebane, balance due him for work done on Cape Fear River,	62	49
	ditto paid Wm. Preswood, ordered by resolution of General Assembly, 1831,	60	
June 5,	ditto paid F. W. Rawle, on account Rail Road surveys,	300	
19,	ditto paid Joseph Welch, E. L. Poindexter and Joshua Parsons, proprietors of the Tennessee River Turnpike Road, a loan ordered by act of General Assembly of 1831,	2,000	
25,	ditto paid Robert H. B. Brazier, for expenses and services on Rail Road surveys,	76	12
29,	ditto paid A. G. Keen, for carrying on the works on Cape Fear river,	500	
July 9,	ditto paid F. W. Rawle, on account Rail Road surveys,	500	
Aug't 13,	ditto do do	400	
Sept. 1,	ditto paid James Wyche, Super. Public Works,	100	
4,	ditto " A. G. Keen, for carrying on the works on Cape Fear river,	1,000	
14,	ditto paid W. R. Hill, Secretary of the Board,	15	
	ditto F. W. Rawle, on account Rail Road surveys,	700	
Oct. 1,	ditto do do	1,600	
26,	ditto do do	700	
		9,732	15

I. WETMORE, Cl'k T. D.

(G.)

Statement of the nett amount of the different branches of revenue, and the cash received thereon, and from other sources not appropriated to other Funds, and payable into the Treasury from the 31st of October, 1831, to the 1st day of November, 1832.

Branches of Revenue of 1831 and from whom Cash has been received.	Amount.	Aggregate.	Am't paid.
	D. C.	D. C.	D. C.
Tax on Land	23,550 12		
Do Town Property	1,278 87		
Do Polls	28,317 08		
Do Stud Horses	1,654 57		
Do Gates	150 40		
Do Stores	8,661 20		
Do Pedlars	2,481 80		
Do Artificial Curiosities	803 70		
do Natural Curiosities	535 80		
Do Billiard Tables	470 00		
Do Negro Traders	9 40		
Penalty for failing to settle	400 00		
Penalty for failing to comply with the act of 1831	4,400 00		
		72,712 94	70,505 73
Bank Tax.			
Bank of Newbern,	5,275 00		
Bank of Cape Fear,	3,073 00		
		8,348 00	7,643 00
Bank Dividends.			
State Bank of North Carolina,	5,528 00		
do do	5,528 00		
		11,056 00	11,056 00
Miscellaneous.			
Additional returns of public tax,	696 19		
Dividend Buncombe Turnpike Comp'y	125 00		
Sale land & negroes, princp'l $3,303 67			
Interest, 733 44			
	4,037 11		
Charles Manly, principal 409 00			
Interest, 18 40			
	427 40		
Land Rent,	10 00		
		5,295 70	5,295 70
		97,412 64	94,500 43

I. WETMORE, Clk. T. D.

(H.)

Statement of Insolvents allowed by the Comptroller to the Sheriffs, in their settlement of the taxes of 1831.

Sheriffs.	Counties.	Amount. D.	C.
William C. Battle	Burke	30	00
William Crawford	Richmond	10	40
John W. Taylor	Greene	9	20
John Black	Cumberland	10	80
John J. Bryan	Wilkes	5	60
John Parker	Edgecomb	22	00
William C. Clanton	Warren	15	40
Howell Albritton	Pitt	15	60
William Thompson	Wayne	11	60
Horace D. Bridges	Chatham	28	00
William D. Rascoe	Chowan	3	20
Nathanial Harrison	Buncombe		60
William Carson	Rutherford	19	00
Salathiel Stone	Stokes	14	20
James H. Wood	Northampton	15	60
James Simmons	Halifax	24	20
William R. Hinton	Wake	24	40
Richard G. Cowper	Hertford	23	80
Joshua A. Pool	Pasquotank	17	80
William Kenneday	Davidson	17	80
James Long	Perquimons	5	80
Henry G. Williams	Franklin	23	40
Thomas J. Pasteur	Craven	42	40
Thomas B. Wright	Surry	29	80
Fielding Slater	Rowan	21	20
James R. Riddick	Gates	12	60
Absalom Fulford	Carteret	19	20
Isaac Baxter	Currituck	16	00
Luke G. Lamb	Camden	19	70
Hiram Caldwell	Iredell	13	40
Thomas Ward	Lincoln	3	60
James W. Doak	Guilford	21	60
		547	30

J. WETMORE, Cl'k T. D.

(I)

A Statement showing the aggregate number of shares of Bank Stock owned by the State of North Carolina, and by the President and Directors of the Literary Fund on the 1st Nov. 1832.

Shares of Stock of the State Bank of North Carolina, owned by the State, and dividends unappropriated, - - -	2,764	
Ditto ditto by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund, -	282	
		3,046
Ditto Stock of the Bank of Newbern, owned by the State, and dividends unappropriated, -	155	
Ditto ditto dividends appropriated to the Fund for Internal Improvement, - -	1,304	
Ditto ditto dividends appropriated to the Literary Fund, - - -	359	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund, - -	141	
		1,959
Ditto Stock of the Bank of Cape Fear owned by the State, and dividends unappropriated, -	10	
Ditto ditto dividends appropriated to the Fund for Internal Improvement, - -	1,358	
Ditto ditto dividends appropriated to the Literary Fund, - - -	704	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund, - - -	50	
		2,122
Aggregate number of shares, - -		7,127

W. S. MHOON, Pub. Tr.

(K)

Statement of Treasury Notes issued and reported by John Haywood, Esq. former Public Treasurer, to the Comptroller of the State, to have been put in circulation according to the Acts of Assembly of 1814, 1816 and 1823.

Amount issued under the Act of		1814,			$82,000, 00
Ditto		1816,			80,000 00
Ditto		1823,			100,000 00
					262,000 00
Amount burnt by Committee of Finance according to the Comptroller's Report.					
	Of	1819,	$943	34	
Ditto	ditto	1821,	7,710	00	
Ditto	ditto	1822,	9,784	52	
Ditto	ditto	1823,	6,310	51¼	
Ditto	ditto	1824,	5,696	25	
Ditto	ditto	1825,	12,170	89¼	
Ditto	ditto	1826,	15,392	46	
Ditto	ditto	1827,	15,523	98	
Burnt by Committee of Finance,		1827,	9,303	76	
Ditto	ditto	1828,	17,781	89	
Ditto	ditto	1829,	19,971	85¼	
Ditto	ditto	1830,	21,601	61	
Ditto	ditto	1831,	29,811	77	
					172,002 84
					89,997 16
Deduct amount on hand in the Vault of the Treasury,					16,547 10¾
Shewing a balance unredeemed and in circulation of					73,450 05¼

W. S. MHOON, Pub. Tr.

(L)

An Exhibit shewing the situation of the

		Dolls. C.
Specie,	387,383 59	
Notes of other Banks and bills of exchange,	221,012 54	
Due from other Banks,	463,867 27	
		772,263 40
Bank stock taken for debt,		96,765 00
Due from State of North Carolina,		83,906 11
Due from individuals for notes discounted,		1,645,506 97
Real estate,		155,304 40
Internal bills and checks,		29,208 72
	Dollars	2,782,954 60

State of the Bank of Cape Fear,

	Dolls.
Capital stock,	514,500
Notes of this Bank in Circulation,	326,152
Deposites,	44,848
Dividends unpaid,	2,156
Due to Banks,	7,093
Profit and loss,	93,679
Ditto, by transactions in stock of this Bank,	43,027
Dollars	1,031,455

State Bank of North Carolina, May 15th, 1832.

	Dolls. C.
Capital stock,	1,598,775 00
Notes in circulation,	795,369 00
Due to other Banks,	24,567 91
Profits reserved to cover bad debts, losses on real estate, and out of which the present dividend of 2 per cent. is payable,	153,391 74
Due to deposites and dividends unpaid,	210,850 95
Dollars	2,782,954 60

State Bank North Carolina, Raleigh, May 15th, 1832.
CHAS. DEWEY, Cash'r.

To WILLIAM S. MHOON, Esq.
Pub. Treas'r., North Carolina.

on the 1st of July, 1832,

	Dolls.
Specie and Notes of Bank United States,	39,474
Deposites in Foreign Banks,	234,119
Due by Banks in North Carolina,	708
Notes of other Banks on hand,	68,328
Real estate,	75,950
Bills of exchange,	25,909
Debt,	586,967
Dollars	1,031,455

JOHN HILL, Cash'r.

	Dolls.
Amount of bills receivable, - - -	638,936
" real estate, - - - -	28,000
Individual debt unsettled, - - -	20,000
Foreign banks and bills of exchange, - -	55,997
Specie and United States notes, - -	33,355
Balance, Loss, - - -	191,458
Dollars	967,746

on Saturday, the 30th of June, 1832.

	Dolls.
Capital Stock, - - -	709,400
Due to deposites, - - -	57,215
Do. Foreign Banks, - -	650
Do. dividends, - - -	1,000
Do. Newbern notes in circulation, - -	199,481
Dollars	967,746

Wm. S. Mhoon, Esq. Pub. Trea'r.

Sir,—The above Exhibit of the affairs of the Bank of Newbern, represents only such debts as are deemed to be good.

With great respect, your obedient servant,

JOHN W. GUION, Cash'r.

(M)

Dr. State of No. Carolina in account with State Bank of No. Carolina. Cr.

		Dolls. C.			Dolls. C.
1811, Oct.	Capital Stock,	250,000 00	1811 Oct.	Stock transferred, -	60,956 95
				Cash, - -	1,543 05
				Stock transferred, -	13,223 18
				Cash, - -	10,370 71
				Balance, - -	163,906 11
		250,000			250,000 00
	Balance, -	163,906 11	1817, July 9,	Cash, Treasury notes,	7,500 00
			Sep. 19,	Do. do. -	11,250 00
				Balance, -	145,156 11
		163,906 11			163,906 11
	Balance, -	145,156 11	1818, Feb. 5,	Cash, Treasury notes,	5,343 75
			Mar. 26,	Do do -	4,031 25
			May 13,	Do do -	3,900 00
			18,	Do do -	2,009 00
			June 19,	Do do -	4,500 60
				Do do -	3,562 50
			July 27,	Do do -	5,400 00
				Do do -	4,875 00
			30,	Do do -	5,343 75
			Aug. 19,	Do do -	997 00
				Do do -	1,105 00
			Aug. 26,	Do do -	2,467 50
			Sep. 10,	Do do -	3,325 40
			Nov. 4,	Do do -	1,800 00
				Do do -	4,131 40
				Balance, - -	92,363 96
		145,156 11			145,156 11
	Balance, -	92,363 96	1819, Mar. 26,	Cash, Treasury notes,	2,170 80
				Do do -	400 00
			April 3,	Do do -	900 00
			May 4,	Do do -	1,270 00
			June 25,	Do do -	1,910 00
			July 26,	Do do -	1,807 00
			Aug. 14,	Do do -	05
				Balance, - -	83,906 11
		92,363 96			92,363 96
	Balance, -	83,906 11			

CHAS. DEWEY, Cash'r.

REPORT

OF THE

JOINT SELECT COMMITTEE,

TO WHOM WAS REFERRED

THE COMMUNICATION OF THE GOVERNOR OF SOUTH CAROLINA.

AND THE ACCOMPANYING DOCUMENTS.

The Joint Select Committee to whom was referred the letter of his Excellency the Gov. of South Carolina, to his Excellency the Governor of this State, with the accompanying documents, report:—

"That the UNION of the North American Colonies, and the subsequent declaration of Independence, are political events of momentous interest in the history of this country; and are associated in the recollection, and embalmed in the affection of the people of this State. These were monuments of imperishable fame, proclaiming to an oppressed and benighted world, the rights of man, and his capacity for self-government. In support of these principles, the illustrious Washington led our fathers to battle; and valour established in the field what wisdom had declared in council. These were UNITED efforts in a COMMON cause; the watch word was then "Liberty, and union, now and for ever, one and inseparable." Victory added lustre to the Star-spangled banner; the storm of war disappeared, and peace smiled on "the land of the brave, and the home of the free."

"To form a more perfect UNION," and "to secure the blessings of liberty," to themselves and their posterity, the heroes and patriots of the revolution established the constitution of the United States of America. It is a splendid production of human wisdom; admirably combining, and harmoniously intermingling the elements of liberty, and the principles of social order. Political philosophy throughout the world, looked in amazement on the august spectacle; while the votaries of legitimacy in the eastern hemisphere, predicted its early dissolution. Hitherto, disappointment has blasted their hopes.

This constitution has secured to us the enjoyment of happiness for forty-five years; experience has proved it to be fitted to every exigency; it has conducted us to glory in war, and to prosperity in peace. Should this temple of liberty totter to its fall, it will overwhelm in its ruins the rights of man, and his hopes 'will be extinguished for ever.' We will become a mark for the finger of scorn; man's capacity for self-government will be a theme of ridicule, and a subject for derision; instead of the doctrine of universal emancipation, the dogma of universal despotism will be proclaimed to a degenerate world.

The people of this State are ardently attatched to the CONSTITUTION, and sincerely devoted to the UNION. The spirit of '76 glows

in their bosoms with its primative ardour; they recognize the right of the oppressed to break asunder the ties which connect them with the oppressor; but it is a right which should not be exercised for light or transcient causes. The dissolution of the Union will be accompanied by deeds of violence and scenes of blood, at the sight of which valour may stand appalled. The arm of the son raised against the father—the poignard of the brother plunged into a brother's bosom—the wife weeping over the murdered body of her husband—the widowed mother bewailing the loss of her only son—are all unexagerated incidents of civil war. May God, in his merey, avert this awful calamity from our beloved country!

Although, a diversity of opinion prevails in this State, as to the constitutionality of the acts of Congress imposing duties, on imports; yet, it is believed, a large majority of the people think these acts unconstitutional, and they are all united in the sentiment that the existing tariff is impolitie, unjust and oppressive; and they have urged, and will continue to urge its repeal. As the national debt is so nearly extinguished, all concur in the propriety of redueing the duties on imports to a revenue standard, which should be graduated to the wants of the general government for current expenditures. They believe this system of policy is one of the cardinal objects of the present administration; and that a reduction of the tariff will annually occur until the desired abatement be attained. They are opposed to the collection of revenue by the federal government for purposes of internal improvement, for reasons not neecssary now to be assigned. The proposed reduction of the duties, will relieve the southern States from the evil of which they complain. Then in a period of tranquility, and of profound peace, a convention can be assembled in the mode prescribed by the constitution, to revise and amend that charter of our rights, so as to remove all doubt as to the constitutional power of congress, to impose duties on importation for the protection of any branch of industry.

The General Assembly of this State think, that the doctrine of nullification avowed by South Carolina, and declared in an ordinance, made by a convention which recently assembled in Columbia, is revolutionary in its charaeter, will in its operation be subversive of the constitution of the United States, and leads to a dissolution of the Union. This opinion is entertained with much deferenee to the opinions of others, and is now expressed more in sorrow than in anger, and from a deep sense of duty to our neighbours. We cherish sentiments of the highest respeet for the virtue, talents and chivalry of the citizens of that State. They no doubt believe, that a crisis of fearful and oppressive extremity has arrived, when no other alternative is left to patriotism, but boldly to stand forth in the defence of reserved rights, and valorously to resist the oppressor. The philosophy of the human mind teaches us, it is so constituted, that honest diffierenees of opinion will arise; manly ingenuousness forbids their concealment, and magnanimy will duly appreciate their expression, and receive it with forbearance. Let us not deceive ourselves with "the cry of peace, peace, when there is no peace," this would be the language of delusion and folly. Truth and justice forbid, that we should 'aught extenuate, or aught set down in malice;' in the hour of trial and dif-

ficulty, ingenuous frankness is the dictate of generous hearts glowing in an honest cause.

This is an awful crisis. The attitude which our southern sister has assumed, and the relation in which she now stands to the Federal Government, fill us with the deepest solicitude, and with the most heart-thrilling anxiety. North Carolina is not only deeply implicated in the existing controversy, as a member of the UNION; but from her proximity to one of the contending parties, and their community of interest, may be vitally involved in the issue of the conflict. She is the border-State, and her fields may become the battle-ground of the combatants. These considerations justify us in approaching, with feelings of kindness, our sister State, and in soliciting her to pause, before she takes a leap, the consequences of which are not within the reach of human eye. With the olive branch of peace in our hands, and with the offerings of conciliation in our hearts, let us address her in the language of friendship, and implore her to the exercise of a little more forbearance. Let us beseech her to recollect the long agony of her departed worthies in the great struggle for freedom; let us remind her of their toil and suffering, and of the blood and treasure which were expended in the establishment of our political institutions. Let us invoke her in the names of her Pinkneys, her Rutledges, her Sumpters and her Marions—let us call upon her in the name of liberty and the rights of man, to pause!! We have been taught by more than human wisdom "that blessed are the peace-makers," let us then endeavour to procure an adjustment of the existing controversy, and let us use all constitutional means in our power to produce a reconciliation between the contending parties. To that end, your committee recommend the adoption of the following resolutions:

Resolved, That the General Assembly of the State of North Carolina, doth entertain, and doth unequivocally express, a warm attachment to the constitution of the United States.

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that on its continuance depend the liberty, the peace and the prosperity of these United States.

Resolved, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the acts of Congress imposing duties on imposts; yet it is believed, a large majority of the people think those acts unconstitutional; and they are all united in the sentiment, that the existing tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal.

Resolved, That the doctrine of Nullification avowed by the State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the Union.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all constitutional means in their power, to procure an adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties.

Resolved further, That a copy of these resolutions be respectfully communicated by his Excellency the Governor of this State, to his Excellency the Governor of South Carolina.

REPORT

ON

THE ESTABLISHMENT

OF AN

ENTRY OFFICE

IN

MACON COUNTY.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1832.

THE DISTABLISHMENT

OF AN

ENTRY OFFICE

IN

MACON COUNTY.

REPORT.

The committee on Internal Improvements, to whom was referred a bill to establish an Entry Office in the county of Macon, Report:

That the county of Macon is formed of territory acquired by treaty from the Cherokee Indians, who then had the occupancy thereof, and claimed title thereto. At the session of the Legislature in 1819, and very soon after the acquisition of said territory, an act was passed directing the Governor of the State to appoint two commissioners and a principal surveyor, to survey and lay off, into sections containing from 50 to 300 acres, all those parts of said land which would sell for a sum not less than fifty cents per acre. Authority was also given to employ deputy surveyors, chain-carriers and markers, and to procure pack-horses to facilitate the execution of the labor. All which was done at considerable expense; and the land so surveyed and laid off into sections, was exposed to public sale at three several periods, in the years 1821, 1822 and 1823; and a portion of the land so surveyed and laid off into sections, pursuant to the act of 1819, still remains unsold.

Again, the Legislature, at the session of 1826, passed another act similar in its provisions to the act of 1819, directing the surveying and laying off into sections, containing from 50 to 300 acres, all the land which would sell for a sum not less than fifty cents per acre, which had not been previously laid off into sections under the law of 1819. This labor has been accomplished at very considerable expense; and the land so laid off into sections at the time of this second survey, has been offered for sale, and the committee are informed not a section has been sold. These duties have been assigned to gentlemen well acquainted with that portion of our State, and possessing the confidence of its inhabitants. In the absence of all evidence to the contrary, we are to presume that these duties have been performed with fidelity, skill and ability. Some of the land which was laid off into sections, by virtue of the act of 1819, and which was sold pursuant thereto, has been adversely claimed by Indians under reservations in the treaty by which we acquired the territory, and have been subjects of litigation and of subsequent negotiation, to the great expense of the State. This error has been ascribed to unnecessary precipitancy in legislating on the subject, and in making the sales.

The committee are informed, that in the year 1796, two grants were issued to Cathcart & Stedman, purporting to convey to them, near 100,000 acres of land, part of which is situate in the county of Macon. Suits have been instituted in the Federal Circuit Court for the District of North Carolina, by persons claiming under these grantees, to recover these tracts of land, or portions thereof, from our own citizens who are in possession of the same by virtue of sales made to them by the State of North Carolina. Should these foreign claimants succeed in establishing their title, our citizens who may be evicted will have equitable claims against the State to refund the purchase money paid by them; and many vexatious questions will arise about the value of improvements made in confidence of the title, and upon the faith of the State, exclusively of petitions which may be preferred for compensation for disappointed expectations. To defend these suits,

and to protect our citizens from injury, and the State from ultimate loss, counsel have been engaged by the State. It is strenuously contended by those to whom the protection of our rights has been confided, that these grants are void, having been procured by fraudulent contrivances, and having been obtained in violation of our laws. It is not necessary to recite all the facts and circumstances inducing this conclusion. It may be now sufficient to state that it is confidently alleged that the *entries* were made of, and the grants issued for, lands *then* within the Indian boundaries, and in Indian occupancy, and to which the Indian title had not been extinguished. To vacate these grants, counsel have been employed by the State, and proceedings have been instituted, which are now pending in our Supreme Court.

In the year 1797, a grant was issued for a very large tract of land to Holdiman & Esselman, all of which lies within the county of Macon. It is contended by the State, that this grant was obtained by the like means, and was issued under the same circumstances, as those to Cathcart & Stedman, and is void for the same reasons. No suit has yet been instituted by those claiming under this grant; but it is believed they are secretly aiding in the prosecution of the suits brought under the grants to Cathcart & Stedman, and that they are anxiously awaiting the issue of those claims. Should these suitors be successful, other suits it is apprehended will be immediately instituted; and as these claimants reside beyond the limits of the State, and will probably bring their actions in the Federal Court, our act to quiet the title of those in possession of lands, commonly called the statute of limitations, may not, under the decisions of the Supreme Court of the United States, either confirm the title of the possessors against such claims, or bar the actions of such claimants.

It is also apprehended by the committee, that all the lands within the county of Macon are embraced by grants of the like character with those already described. Should persons claiming under these grants, or any of them, succeed, contrary to our expectations, in establishing their claims, and in evicting our citizens who have purchased from the State, much perplexity will arise, and great loss ensue.

The committee think it inexpedient to open an Entry Office in the county of Macon, or to make any sale of the lands, until the controversies now pending be decided, and all disputes connected therewith be adjusted.—The committee, therefore, recommend the rejection of the bill.

REPORT

ON

THE SITUATION

OF THE

CAPE FEAR NAVIGATION COMPANY.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1832.

REPORT.

The Select Committee appointed under a resolution "to inquire into the situation of the Cape Fear Navigation Company—what sums of money have been expended by said company in work done upon the Cape Fear river between Fayetteville and Wilmington? the rates of toll, and what amount of tolls have been received annually? whether the work done upon said river has been judiciously and profitably applied? whether the charter of said company has been complied with? and whether said charter be constitutional?" have had the same under consideration, and report:

That the committee have received a communication from the agent of the company, (at Fayetteville,) giving full satisfaction upon some of the objects embraced in the resolution. The prompt attention of the agent to the call of the committee, in making the communication; the ample manner in which it is made; and the evident desire to respond to the wishes of the committee, by a full developement of facts, as connected with his office, require an expression of our praise and approbation. The sums of money expended by the company in work done upon the Cape Fear, as required to be ascertained by the first clause of the resolution, is shewn to be the sum of $28,237 83, and whilst said company was under the direction of the Board of Internal Improvement, the further sum of $12,143 13. That during the years 1830 and 1831, the time for which the present agent has acted for said company, the sum of $2,308 80 of the tolls of those years has also been expended in work done upon said river; making the aggregate sum of $42,761 76. The rates of toll, as paid by the company, "on articles going down the river, are

Cotton,	10 cents per bale	Flour,	3 cents per barrel
Tobacco,	20 do per hhd.	Spirits,	5 do per do
Seed,	7 do per cask	Grain,	1 do per bushel,

and all articles not enumerted above, 10 per cent. on the freight, estimated by the printed rates of 1825.

"On articles going up:

Salt,	1 cent per bushel	Casks Lime,	5 cents each
Hdds. & pipes,	25 do each	Tons Iron,	20 do do
Barrels,	5 do do	Plaster Paris,	free
Tierces,	10 do do		

Other articles, 10 per cent. on the rates of 1825."

The printed rates of 1825, alluded to, have not been obtained by the committee.

As to the amount of tolls received annually:

"Gross amount of tolls	previous to 1st June,	1821,	$5,290 45
Do	year ending 1st do	1822,	3,295 10
Do	year ending 1st do	1823 & 1824,	6,124 80
Do	year ending 1st do	1825 & 1826,	7,399 04
		Making	$22,109 39
Expenses in collection, &c.			4,521 75
		Nett,	$17,587 64"

The gross amount of tolls for the subsequent years, is not given in the agent's communication, and is not in possession of the committee. "Nett amount of tolls:

Year ending 1st June, 1827 and 1828,		$6,045 32
Do	do 1829,	4,265 04
Do	do 1830,	3,247 50
Do	do 1831,	3,792 32
Showing a total		34,937 82
From which deduct claims, outstanding tolls due, &c.		6,091 08
Leaves		28,846 74"

This is all the information obtained by the committee in relation to that part of the resolution.

As to the next item in the resolution—Whether the work done upon said river has been judiciously and profitably applied? the agent is of opinion that, in the main, the expenditures on the river have been judicious and beneficial. He cites the snagging of boats previous to the expenditures, and the absence of such occurrences since; the improvement of the channel at Spring Hill, and the reduction of the prices of freight. Other evidence was before the committee, in support of the opinion that the work done at Spring Hill, and the removal of logs from the channel of the river, had contributed much to its navigation. The memorial of several citizens of Wilmington, and the county of Bladen, 47 in number, was in evidence before the committee, complaining that the citizens of the State are taxed for the benefit of a corporation; that under the pretence of having improved the navigation of Cape Fear river, the company have imposed onerous burthens on the produce passing down it, without having increased the facilities of its navigation; and that said company still continues to collect heavy tolls on all produce transported between Fayetteville and Wilmington, under colour of authority, and that the same is unjust. This memorial further complains that the navigation of the river has not been improved by any work done by the company below Fayetteville, and that the work done by the company has rather obstructed than improved the navigation. They ask an investigation into the abuses of said company; and if any exist, pray relief. The committee had also before them the memorial of several citizens of Wilmington, 88 in number, introduced at the last session of the Legislature, and left as unfinished business, complaining of the abuses of the power of said company; That whilst the prices of freight had fallen, tolls had continued the same; that the company had not improved the river as contemplated by their charter; and that the said charter was contrary to the spirit of the Constitution; that improvement had been made at only one place on the river, known by the name of Spring Hill; and that the said river is highly susceptible of improvement—its banks high and abounding with timber adapted to any work necessary to be done for the successful improvement of the navigation of the river. The committee believe, from the residence of the memorialists, and the different pursuits in which they are engaged, that opportunities are afforded to many of knowing the condition of the river, both before and since the work done by the company. The committee therefore believe that the improvements on the river are not such as should have been made to have ensured its navigation; for if the sum of $42,761 76 has been judiciously applied in work done upon the river, and but little improvement made in its navigation, the committee are left to the conclusion that the river is not suscep-

tible of improvement, which the committee do not feel themselves authorized to admit; but on the contrary believe said river to be as highly susceptible of improvement as any in the State. The committee are therefore of opinion, from the evidence before them, that the work done upon said river has not been judiciously and profitably applied.

As to the next item in the resolution—Whether the charter of said company has been complied with? The Cape Fear Navigation Company was created by an act passed in 1815, extending the powers of the Deep and Haw River Navigation Company, which, beside the provisions of that act, gives also for its charter so much of the charter of the Roanoke Navigation Company as is embraced—beginning at the 4th section, and excluding the 16th section. The 2d section of the act of 1815 gives exclusive right to the Deep and Haw River Navigation Company of all rivers and creeks running into the Cape Fear river to the mouth of said river; changes the name of the company into that of the Cape Fear Navigation Company; gives power and authority to improve the navigation of the Cape Fear and its waters as aforesaid, by canals, locks and sluices, or otherwise, as may be deemed most expedient. The 8th section of the Roanoke charter provides, "that for and in consideration of the expenses the said proprietors will be at, not only in cutting canals, erecting locks, and performing other works necessary for this navigation; but in maintaining and keeping the same in repair, the said canals, locks, and every work and thing appertaining to the said navigation, with all the profits arising from the same, or any part thereof, shall be, and they are hereby vested in the said proprietors, their heirs and assigns, forever, as tenants in common, in proportion to their respective shares; and the same shall be exempt from the payment of any tax, imposition or assessment whatsoever." The committee believe that the powers and privileges conferred upon the company by its charter would not have been granted, but for the prospect of receiving important public benefits. The navigation of the most extensive river in the State is surrendered, together with that of all its waters. The produce of a very large portion of the State is taxed for the privilege of passing down it, and every article of importation to Fayetteville bears in like proportion the quantum of its toll. This is not mentioned here as matter of complaint, but as being essential to develope the duty of the company in effecting improvements upon the river; for if the charter embraced but a portion of the river, and limited in its duration, it would be unreasonable to suppose the company bound to make large expenditures in the improvement of the river; but otherwise where the charter is unlimited, and its existence as lasting as the government that created it. By those who granted the charter, it must have been viewed as an instrument of great importance, both as regards the future prospects of the State and the vast powers given to the corporation. The duties of the company occupy but few words in their charter. They are "to improve the navigation of Cape Fear, and its waters, by canals, locks and sluices, or otherwise, as may be deemed most expedient—works and profits vested in the proprietors in consideration of the expenses incurred not only in cutting canals, erecting locks and performing other works necessary for this navigation, but in maintaining and keeping the same in repair." It is a fundamental principle that "a corporation should act up to the end of its appointment." The object of its creation should always be fulfilled; without which it would cease to be that for which it was intended. It is the opinion of the committee that the company should have proceeded to the performance of such

work as is specified in the charter, viz. "the cutting canals, erecting locks, and opening sluices," unless they deemed it expedient or necessary to perform other work upon said river which would equally facilitate its navigation. We are satisfied that much work has been done in the removal of logs from the channel of the river, & that the jettie at Spring Hill has been erected. But we believe that these operations have produced only a partial navigation, and has not effected the grand object contemplated by the charter. We further believe that the condition of the river has at all times been known to the company; and as the work which had been done, was not sufficient to ensure a complete and necessary navigation, said company was bound to resort to such improvement as could have been made by "cutting Canals, erecting Locks and opening sluices," as specified in their charter. The Committee believe that such works have not been performed or even attempted. The non-performance of which is regarded by the Committee as great neglect to the manifest injury of the public. We are therefore of opinion that the charter of said Company has not been complied with.

Lastly, whether said charter be constitutional? The committee have not had time to devote as much attention to this branch of the resolution as they desired, or the importance of the subject demanded, and, believing it a question belonging more properly to another department of the government, refrain from an expression of opinion upon this part of the resolution; and therefore beg leave to be discharged from its further consideration; and recommend the adoption of the following resolution:

Resolved, That the Attorney General of this State is hereby directed to institute a judicial inquiry to ascertain whether the said corporation has violated its charter, and to take such measures therein as he may deem expedient and necessary to disfranchise said corporation, if it has forfeited its charter by misconduct or otherwise.

JOHN T. GILMORE, Chairman.

FAYETTEVILLE, Dec'r 20th, 1831.

William Montgomery, Esq. and J. T. Gilmore, Esq.

GENTLEMEN,—Without *admitting* or *denying your right* to *require* of *me* the information sought by your letter of the 18th instant, I at once (without having had an opportunity to consult the president and directors of the company) proceed to answer your queries; believing that a candid statement of *facts* will go far towards removing the *prejudices* which appear to exist against the company.

Quere 1st.—"What sums of money have been expended by the company in works done upon the Cape Fear river between Fayetteville and Wilmington?"

Answer.—There have been expended under the direction of the president and directors the sum of twenty eight thousand two hundred and thirty seven dollars eighty three cents, ($28,237 83;) and under the direction of the Board of Internal Improvements, the sum of $12,143 13—making a total expenditure of the sum of $40,380 96.

Quere 2nd.—"The nett of tolls, and what amount of tolls have been paid annually?"

Answer.—

Gross amount of tolls previous to 1st June, 1821,						$5,290 45
Ditto	do	the year ending 1st June, 1822,				3,295 10
Ditto	do	years	do	do	1823 and 1824,	6,124 80
Ditto	do	do	do	do	1825 and 1826,	7,399 04
						22,109 39
Deduct incidental expenses attending collection, &c.						4,521 75
					Nett,	17,587 64
Nett amount of tolls the years ending 1st June, 1827 and 1828,						6,045 32
Ditto	do	do	do	do	1829,	4,265 04
Ditto	do	do	do	do	1830,	3,247 50
Ditto	do	do	do	do	1831,	3,792 32
					Total,	34,937 82
But from this sum must be deducted claims outstanding for tolls due, part of which is in suit and part will be lost by insolvencies, - - - - - -						6,091 08
Leaving a nett sum actually collected of - -						$28,846 74

I will observe, however, here, that of the tolls for the years 1830 & 1831, (the time since I have acted as agent,) there has been expended on the river, below, $2,308 80, leaving a nett income of only $4,731 02 for the two years. Further, I have been under the necessity of sending a gang of hands down, even in this inclement season, to remove some trees that were carried into the channel of the river by the late freshet, which obstructed the navigation. A considerable part of the tolls collected previous to 1830, were also expended on the river. And to remove the obstructions which occur from time to time in the river, will require an annual expenditure of at least one thousand dollars.

Quere 3rd.—"Whether the work done on said river has been judiciously and properly applied" [done?]

Answer.—(Not altogther a fair question to the company—but let that pass!) That the company may have committed errors in judgment in some cases, is what might be expected, considering the time it went into operation and the then state of information on the subject of internal improvements; but that in the main the expenditures on the river have been judicious and beneficial to the public, I have no doubt. Before the improvements on the river, the *snagging* of boats was a matter of frequent occurrence; latterly, there has been no such thing. And besides the additional security to the trade, the channel has been much improved. The improvement of the shoal at Spring Hill, (three miles below Fayetteville,) is alone of *great* importance; formerly that shoal was *much* the worst on the river: now it can be passed by any boat that can get up to Elizabeth. As a further evidence of the improvement, I would refer to the prices of freight before and since the expenditures on the river. Before the expenditure, the freight of cotton varied from 75 to 100 cents per bale; now it is 25 to 35 cts. including 10 cents toll. Flour, before the expenditures, was 40 to 50 cents; now it is 15 to 20 cents, toll 3 cents included; and other articles in proportion. It may be said, perhaps, that the introduction of steamboats has caused that difference in favor of the public, and no doubt they have had some influence in reducing the freights, but not all. *Besides, I have no hesitation in*

saying that the steamboats could not have run at all without the improvements; moreover, they will cease to run, if the company do not keep the river free from the obstructions which are carried in by almost every freshet.

The company, in the year 1823, in view of the losses that they had sustained in attempting to improve the navigation to Haywood, by canalling to Foxes Island on the Cape Fear, &c., consented to reduce the nominal value of the capital stock 50 per cent. or from 100 dollars to 50 dollars per share, and at the same time to surrender the control of their works to the State Board of Internal Improvements, the State subscribing 25,000 dollars additional stock. Under that compact with the State, the company gave up to the Board of Internal Improvements their flats and machinery; and that board, under the superintendence of the civil engineer of the State, expended the sum (stated in the answer to 1st quere) of $12,143 13. After which, they reported to the Navigation Company that they had (as required by the act of the Legislature) removed all obstructions in the river between Fayetteville and Wilmington, and completed the navigation of that portion of the river; and that the company, by its own resources arising from tolls, must henceforward keep the river in order. Now, whether the expenditure by the Board of Internal improvements was judiciously done, or not, I am unable to say; but I presume it was. If it was not, however, the State, and not the Navigation Company, are responsible for it.

The capital stock of the company amounts, at present, to $93,712 50; of which the State owns $32,750. And the State can, and *does* exercise a controlling influence in the company, as was fully manifested at the last annual meeting of the stockholders.

The following are the rates of toll as fixed by the company, viz.

Down—Cotton,	10 cents per bale	Flour,	3 cents per barrel
Tobacco,	20 cents per hhd.	Spirits,	5 cents per barrel
Seed,	7 cents per cask	Grain,	1 cent per bushel

and all articles not enumerated above, 10 per cent. on the freight, estimated by the printed rates of 1825.

Up—Salt,	1 cent per bushel	Casks Lime,	5 cents each
Hhds. & pipes,	25 cents each	Tons Iron,	20 cents each
Barrels,	5 cents each	Plaister Paris,	free.
Tierces,	10 cents each		

Other articles, 10 per cent. on the rates of 1825.

The following statement exhibits the quantity of commodities transported on the river between Fayetteville and Wilmington, during the year ending 1st June, 1831, on which tolls were assessed, to wit:

Down—14,248 bales Cotton,	100 half barrels Flour,
526 hhds. Tobacco,	16 barrels Spirits,
4,350 bushels Wheat,	1454 casks Seed
10,939 barrels Flour,	

$424 84 freight on articles not enumerated, tolls 10 per cent.

Up—64,364 bushels Salt,	160 tierces,
2,195 hhds. and pipes,	240¾ tons Iron,
3,191 barrels,	251 casks Lime,

$11,449 68 freight on articles not enumerated, tolls assessed at 10 per cent.

If further information is desired, I refer you to a report made to the Board of Internal Improvement, in Nov. 1830, which you no doubt can get access to in Raleigh.

I am, very respectfully, your ob'dt servant,

GEO. M'NEILL, Agent C. F. N. C.

MESSAGE

OF THE

GOVERNOR OF NORTH CAROLINA,

TO THE

GENERAL ASSEMBLY OF THE STATE,

AT THE

Commencement of the Session,

NOVEMBER 18, 1833.

RALEIGH:

CHARLES E. RAMSAY—PRINTER TO THE STATE.

1833.

MESSAGE.

To the General Assembly of the State of North Carolina:

GENTLEMEN:

The most striking characteristic of our republican system of government, is the periodical assemblage of the representatives of the people, clothed with the power, and charged with the interests of their constituents. Experience has shown that the best security for the preservation of our rights is to be found in a deliberative body, selected by the people from among themselves, and returning at short intervals to the bosom of the community to participate in the blessings derived from wise, or the evils flowing from indiscreet legislation. It is apparent that no form of government can be devised, which will afford a guarantee that the common welfare will be promoted, and the public liberty preserved in the hands of incompetent or faithless agents, and that in proportion to the importance of the trust assumed, should be the zeal, fidelity and diligence, with which we enter upon the discharge of our duties.

I trust that I entertain a proper sense of the high responsibility which rests upon the executive department, and cherish the disposition to co-operate with you in a hearty endeavour to accomplish every object which may be necessary to secure the ends for which our Government was established. It is to be recollected, however, that the Constitution for wise purposes, has confided to you the whole power of legislation. The Executive can neither control nor check your proceedings, and even the privilege of advising you upon the subject of your deliberations, seems to be derived rather from custom, sanctioned by its apparent propriety, than from any express constitutional provision. I approach the discussion, nevertheless, of the important subjects which demand your attention with a frankness, inspired by the conviction, that the high privilege with which you are invested, will but render you the more anxious for its proper exercise and the more disposed to listen with attention to suggestions emanating from a co-ordinate branch of the Government.

A recurrence to our past legislation will shew us, that although our predecessors have transmitted to us unimpaired the great charter of our rights, and were anxiously disposed to advance the improvement of the State, by providing facilities for trade, increasing our agricultural productions, diffusing the advantages of education, and adapting our laws to the improved condition of society, little has been done for the furtherance of either of these wise purposes, in comparison with what it is in our power to effect, and with that which the excited hopes and expectations of the community demand.

It is certainly not claiming too much for North Carolina, when we assert that no State in the union, has from the earliest period of her history, exhibited a more ardent devotion to liberty, or ready obedience to the laws. I regret that the conviction is forced upon me, that her early love of freedom, and immense sacrifices for its attainment and preservation, have not met with the comparative consideration and reward to which they were so justly entitled. This result has been owing in some degree to natural causes, but quite as much to the greater pertinacity, with

which the claims of other members of the confederacy, have been pressed upon the attention of the General Government. I shall not, at present, pursue this discussion, though I may take occasion to call your attention to the subject in the progress of the session. The settlement of our revolutionary claims, of our claims for expenditures during the late war with Great Brittain, the policy pursued by our sister States with respect to the Cherokee Indians, the tendency of which has been to drive them from their borders, and fasten them upon our soil, will require a more minute examination than is consistent with the character of this paper. But if we have received comparatively few advantages of the nature to which I have alluded, I fear it is no less true, that the State Government, has been too inattentive to all that concerns the character and interest of the commonwealth.

The apathy which has pervaded the legislation of half a century, is most strikingly exhibited by the fact, that the mere expenses of the General Assembly have ordinarly exceeded the aggregate expenditures of all the other departments of the Government, united to the appropriations which have been made, for the purposes of Internal Improvement. That government cannot be wisely administered, where those who direct the expenditure of the Public treasure, receive more for this service than the amount of their disbursements. Let me not be regarded as insisting that the Legislature is sustained at an expense disproportioned to its importance, but as suggesting a doubt whether its legitimate functions have been performed. I advert to the circumstance principally to enable me to urge upon you more forcibly, the propriety of entering upon a system of legislation required by the wants of your constituents, commensurate with their resources, and worthy the confidence which they repose in your ability to administer their public affairs.

The excitement which seems to pervade every section of the State, upon the subject of Internal Improvements, has no doubt attracted your attention and engaged your reflection. The opinion seems to be general, that the adoption of a more liberal system is essential to the future prosperity of the State; and that this cannot be effected by individual exertion, unaided by contributions from the public Treasury. The Report of the Board for Internal Improvements, will be transmitted to you in a few days, and will afford all the information which that body have been able to obtain, with respect to our several road and navigation companies. It affords me pleasure to state, that these details will be calculated to correct much misapprehension, and remove some prejudices with respect to the attempts heretofore made to improve our internal condition. The situation of some of the corporations is much more prosperous, than many intelligent individuals had supposed. That there were instances of mismanagement, and that a portion of the public funds has been expended without producing any substantial good, cannot be controverted. But the actual public loss, will be found to be much less than is generally conjectured. When it is recollected, that at the commencement of our operations in 1818 and 1819, we were entirely inexperienced, and found it impossible to obtain the aid of a skilful engineer to direct our efforts, that several works were commenced simultaneously, and that the

improvement instead of beginning at the mouths, was commenced at the sources of the rivers, the aggregate loss sustained is the subject neither of great surprize or serious discouragement. The information we have acquired, if it does not compensate us for the expenditure incurred in obtaining it, will not prove without value. The introduction of the Rail Road system, is the commencement of a new era in the annals of Physical improvement. The cost of any given work can be ascertained with so much correctness, before its construction is attempted, that prudent men will be able to compare its probable value, with the proposed expenditure, and arrive at a satisfactory conclusion, with respect to the propriety of engaging in the enterprize.

In addition to the information which will be afforded by the Report alluded to, with respect to the condition of the public works, the opinions of the Board will, in obedience to the Act of Assembly creating the corporation, be presented upon the most important subjects connected with the Internal Improvement of the State. Whether the condition of our country is susceptible of the improvements recommended?—whether a fund shall be created proportioned to the magnitude and importance of the enterprize to be accomplished?—whether the Public treasure shall be exclusively employed, or adequate aid extended to incorporated companies? are enquiries which have received the anxious consideration of the Board, and will be submitted for your determination. My own opinion is, that the great channels of inter-communication, in which the whole community is interested and which, for that reason, will not probably attract, and are least likely to be effected by individual enterprize—demand the exclusive attention and patronage of the government. With respect to improvements of a local character, I think the safest, and perhaps the wisest course for the Legislature to pursue will be, to incorporate companies in every section of the State where they may be necessary; and to subscribe for a uniform portion of Stock in each—on the condition that no part of the public subscription shall be demanded until the private Stockholders shall have paid, or secured the payment of their subscriptions. Individuals will rarely be found anxious to engage in a chimerical scheme; and no more satisfactory evidence of the practicability and usefulness of any work, need be required than the fact, that those who recommend it to public patronage, are willing to test the correctness of their opinions by trusting their own capital to the same hazard. We know too, that individuals ordinarily expend their own resources with more prudence and forecast, than those who have the management of an exclusively public fund. If it shall be considered advisable, that the public shall ultimately own any particular work of this character, it may be made a condition in the charter, that the State may at any time resume the franchise, upon the payment of a stipulated sum to the stockholders.

The Report of the President and Directors of the Literary Fund which will be submitted to your consideration at an early day, will shew the result, so far as it has been tried of the only attempt we have yet made to establish "schools for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices." The aggregate amount of the fund is at present too small, to justify our entering upon any general system of educa-

tion. Indeed, were this fund much larger, it may well be doubted whether the period has yet arrived, when it can be judiciously expended, for the promotion of the wise and benevolent purposes contemplated by the founders of our government. The sparseness of our population presents great, perhaps, insuperable difficulties. When, as the result of a wise and liberal system of legislation, the inlets upon our coast shall receive the improvement of which they are susceptible when our great natural highways, the rivers connected with them, shall assume that condition, in which Providence designs they shall be placed by our hands, when these channels of communication shall be intersected by Rail Roads and Canals; and as the natural consequence of this state of things, agriculture shall receive her appropriate reward, we will have laid the foundation of a school system, as extensive as our limits, and as enduring as our prosperity. A few individuals will not have been selected and cherished as the peculiar object of public patronage; but the general character of the country will be elevated, and thousands now too poor to afford the blessings of education to their children, will find this though the most important, but one of many advantages incident to an improved condition of life. Extended commercial facilities will stimulate to agricultural exertion;—increased production afford the means of education; and the diffusion of knowledge operate as the most certain preventive of crime. A more liberal scheme would be better suited to the condition of older and richer communities, and I trust the day is not very distant when it will be so to ours.

From the phraseology of the act establishing the Literary Fund, doubts are entertained whether the intention of the Legislature was to transfer to that corporation, the proceeds of the vacant and unappropriated Swamp lands, or the lands themselves. Acting upon the latter impression, the Directors have prepared a plan, by which it is proposed to drain and bring into market, a particular tract of country, and thus test by experiment, the propriety of entering upon a general system of improvement. This plan will accompany the Report before alluded to, and the importance of the subject, will ensure for it a favorable consideration.

This region of marshes is represented by the engineers who have explored it, as spreading over a surface of two millions and a half of acres, three fifths of which is the exclusive property of the State. Some of the most intelligent, enterprizing and well governed members of the Confederacy, have their little republics confined by narrower limits. It constitutes a twentieth of our own soil in extent, and perhaps an eighth in fertility. It is not only without productive value in its present condition, but is probably more than all other causes, the source of disease, rendering life uncomfortable and insecure; and thus blighting the prosperity of the fairest portion of the State. I believe that no doubts exist among those acquainted with the subject, of the practicability of reclaiming these pestilential wastes, and rendering them abodes of plenty and comparative healthfulness. The effect of all our previous legislation, has been to lock them up from individual appropriation, without making any effort to improve them.

In compliance with the provisions of the act passed at the last ses-

tion of the General Assembly, to establish the Bank of North Carolina, Books of subscription were opened at the several places, and at the periods designated by the third section of the Charter. The result is known to you, and is strong evidence, that individual subscriptions of stock cannot be obtained to any banking institution in this State, the direction of which cannot be controlled by the stockholders. Thus this subject, which occupied so much time at the last Session, returns upon you with renewed and increased claims to your attention. The regulation of the currency of the country, is at all times a delicate and difficult subject of legislation, but is at present peculiary so. The dividends which have been declared during the present year, of the capital stock of the State Bank and Bank of Newbern, amount to nearly one third of the entire banking capital of the State. The objections which exist to the charter of the Bank of North Carolina, have had the effect, it is understood, to induce a portion of the stockholders to seek investments for their money in other sections of the Union. A great diminution of the circulating medium, has of course taken place. In addition to this, it is now regarded as at least probable, that the Bank of the United States will not be re-chartered. It will require the exercise of all your wisdom and prudence, to preserve the community from the evils which these combined causes threaten to produce.

Whether the original establishment of banking institutions in this State, was the result of wise legislation, is matter rather of curious speculation, than useful enquiry. The currency of the country, is now, and must continue to be a paper currency; and the only alternative presented, is the choice between bills emitted by our own citizens within our own limits, and subject to our laws; or by the citizens of other states, entirely exempt from our influence and control. As banks are indispensable, all will prefer a domestic to a foreign institution. The important question to be determined is, what shall be the character of the corporation. Shall a bank be created, founded upon public funds, and governed by public officers, with a capital sufficiently large to supply a circulating medium commensurate with the wants of the community? or shall several banks be chartered, in which the State may subscribe such portion of the stock as she chooses, the government and direction being confined to the individual stockholders?

I shall submit my views upon this subject with great deference to the opinions of those more conversant with it. I have had no experience in the management of monied corporations, and except upon an occasion, when some investigation of the constitutionality and expediency of a Bank of the State, became a public duty, such enquiries have rarely attracted my attention. At that time, I entertained doubts with regard to both, and my subsequent reflections have had no tendency to remove them. I doubt the constitutional right to establish such an institution, because it seems to me that its issues, though termed bank notes, are substantially bills of credit. I forbear entering into the discussion of this proposition, and will state very briefly some few of the objections which suggest themselves to the expediency of the measure.—Of the power of the General Government to establish a Bank of this character, perhaps no scruples need be entertained. The

ability of the nation to maintain such an institution, is vastly greater than ours; yet the experiment has never been tried, and at the present period receives encouragement from no class of politicians. If successfully managed, as it might be for a time, I think there is too much danger, that it would ultimately connect itself with the politics of the country, and have a tendency to corrupt the people and their representatives. Finally, if contrary to all experience, individuals should be found, who having no interest of their own to sharpen vigilance, should yet bring to the management of such a corporation the requisite attention, skill and integrity, it may then be prudent to enquire whether a general state of indebtedness on the part of the governed to the government can be free from the dangers here, that have attended it elsewhere? If it be a blessing incident to a public debt, that the creditor has a direct pecuniary interest in the maintenance of the Government, does not the converse of the proposition follow that when the Government is the creditor, the debtor has a direct pecuniary interest inducing the destruction of the Government? Why are the public lands sold for cash rather than on a credit? The experience acquired at our Public Treasury upon this subject is entitled to consideration. The head of that department, has not always found it an easy matter, to reduce into possession the few debts which have at various times been due to the State from her citizens. Success has more rarely attended his efforts in such cases, and when successful, it has been after longer intervals than ordinarily characterize the transactions of individuals. Would it be otherwise if the debts really due to the State were nominally due to a Bank?

The great error, I apprehend, which prevails on this subject, is that we are disposed to establish a Bank, rather as an expedient to relieve us from taxation, than with a view to the great object to be attained by such an institution, a sound circulating medium. In the management of public as of private affairs, we are sometimes tempted to neglect that system of policy which finds its appropriate reward in patient industry, and hope to secure prosperity, by some scheme of speculation which is the most alluring when the least understood.—We forget that the Public Treasury must at last be replenished from the pockets of the community; and that *the indirect*, is frequently the most unequal and oppressive species of contribution. Bank stock is certainly a legitimate subject of revenue; but the stockholder should pay for the privileges conferred upon him, just so much as he receives over a fair rate per cent. on his investment, in the ordinary course of dealing, and no more. A greater exaction has a tendency, either to impede the operations of the Bank, or give rise to the opposite evil, excessive issues. In the former case, a scarcity of circulating medium is produced; in the latter, the community for the use of a depreciated currency pay an indirect tax, greatly larger in amount than the actual revenue flowing into the Treasury. It is impossible to ascertain with precision the amount of losses sustained, since the establishment of the existing Banks, by the depreciation of their notes. I think, however, that an attentive examination will satisfy every one, that it must exceed the entire revenue, which has been derived from all these institutions.

I venture therefore to recommend the establishment of Banks at such places as the business of the country may require, the aggregate amount

of capital not to exceed three millions of dollars, and the direction to be confided to the individual stockholders. The dividends never to exceed such rate per cent. as may be regarded a fair equivalent for the use and hazard of the investment. The average amount of public monies on deposit, to be considered as capital stock and the Public Treasurer to be entitled to dividends accordingly.

Among the various subjects which will come before you, the revision of the whole body of our public statute laws may be mentioned as deeply interesting to the community. The earliest statute in force in this State, was enacted in the year 1235, in the reign of Henry the third.—Our revised Code as it is termed, commences with the provincial laws passed by the General Assembly which sat at Little River in 1715, omitting the entire legislation of the mother country with regard to this State, during a period of four hundred and ninety years, and embracing more than a hundred entire statutes or parts of statutes. Of these many relate to the criminal law of the country, several create capital felonies or punish capitally, offences that were previously subject to a milder penalty; and yet, it is believed that complete copies of these enactments are not to be found in half a dozen libraries in the State. A part of those in force and many not in force, were published in Newbern, thirty years since, but the work did not equal public expectation and is now out of print. The lives, the liberty and property of our citizens, are thus subject to the enactments of a government, widely dissimilar from ours, which few have read, or had it in their power to read. The legislation of nearly five centuries is a sealed book to the great body of the community, and in some degree even to the profession whose interest and duty render the study of the Law the business of life. It is but a short time since, the question whether a statute regulating the trial of an individual for a capital felony was in force in this State, became the subject of solemn argument before the Supreme Court, and called forth directly opposite opinions from the Judges. The truth is, that not only the source but the very existence of our statute Law, is, as remarked by an elegant writer, with regard to the common Law, "as undiscoverable as the sources of the Nile." In such a state of things, the expounder of the Law alone is safe. The Executive and Legislative Departments of the Government cease to be co-ordinate with the Judiciary, since the latter has not only the right to construe the whole body of legislation, but the privilege of declaring the existence within this State of any portion of the immense mass of British Statutes, enacted anterior to the period at which we began to legislate for ourselves. I intend no disrespect to the Judiciary—the difficulty does not arise from a disposition on their part to encroach upon the other departments of the Government; but from an omission of the Legislature to perform its own functions. The task of revising and expense of publishing this Code, would be of little moment in comparison with its importance. The laws and journals of a single session are much more voluminous than such a work would be if properly executed.

A judicious legal reform should, however, extend to all the subsequent enactments, by which we are governed. Competent judges entertain the opinion that the bulk of our statute book might be lessened at least one third, by a repeal of statutes which are in effect obsolete, and others, the object of which has been attained by subsequent enactments. The whole

of the legislation from 1715 to 1777, with the exception of the Statutes of Limitation, the Registry Acts, and a few others, might with propriety be expunged from our Code, as surplusage. Many subsequent Acts, and some of them connected with the criminal law, should share a similar fate. It is a capital felony, for instance, to counterfeit the notes of the Bank of North America, which have no circulation within this State— Various laws encumber the pages of the revisal, providing for the punishment of counterfeiting our revolutionary bills of credit, the necessity for which ceased years since with the existence of the bills themselves. An antiquary would at present be much more disposed to trace out their similitude than a counterfeiter.

Is it not strange, that our Revisal should exhibit to the citizen, various enactments to punish offences which cannot be committed, and conceal from his view innumerable penalties attached to actions, which he does not know to be wrong? It is submitted to your wisdom to determine whether a legal system so perplexed, intricate and uncertain, is suited to the genius of our institutions, and the character of our citizens.

The Public Treasurer in his last annual Report, called the attention of the Legislature to the fact, that for several years past the disbursements at the Treasury, had exceeded the revenue, and suggested that a revision of the laws regulating the assessment of lands, would probably have the effect of supplying the deficiency. By the law as it now stands, the tax paid upon real estate, depends quite as much upon the integrity of the citizen as the value of his property, the greatest burthen is of course imposed upon the most meritorious portion of the community, and the State is deprived of one third of the revenue which should accrue from this source. It seems to me that the whole series of legislation upon the subject of revenue, requires revision and amendment. There is perhaps no tax which can be devised less equal in its operation, than a poll tax, and none more so than an income tax. By our system more than a third of our entire revenue is derived from the former, while no supplies are drawn from the latter source. Real estate contributes to the support of the Government, an amount nearly equal to the poll tax, while a comparatively small sum is levied upon every other species of property and none upon monied capital.

If we examine another branch of the system, the inequality is still more glaring. Three fourths of the taxes paid by the people of this State, are imposed by the County Courts, and so far as my information extends, the burthen is sustained exclusively by the polls and by real estate Why should this radical difference exist between the system of State and county taxation? Under the former the capitation levy is the same in amount with that paid by the three hundred dollars value in land, under the latter a different rule exists in practice in almost every county. The result is that nothing like equality or uniformity can be said to prevail in the arrangement of our fiscal concerns.

It is a fundamental principle of the Government "that the people ought not to be taxed without the consent of themselves or their representatives in General Asssembly freely given." A proper regard for this Article of the Declaration of Rights may prompt the enquiry, whether the virtual surrender by the Legislature, to the Justices of the County Courts of

three fourths of the power to lay taxes, is in exact accordance with the spirit of the provision. I call your attention to this subject, with less hesitation, because we can entertain no hope of success in any attempt to improve the condition of the country, without a substantial change of the policy hitherto pursued. The burthen of taxation should be equalized, its range must be enlarged, and the aggregate amount increased, if we expect to sustain the character and credit of the State, in the promotion of any liberal enterprize.

I beg leave to recommend to your consideration the accompanying correspondence of James Wyche Esquire, superintendent of Public Works, with this Department, relative to the duties and compensation of that officer. It will be perceived, that further legislation is necessary to secure the services of any individual competent to the correct discharge of that important trust.

In compliance with the Resolution passed at the last Session of the General Assembly, I have purchased, and transmitted to the Executive Department of each State and Territory in the Union, a copy of MacRae's Map of this State. I cannot permit myself to allude to this subject, without venturing to suggest, that if a copy were procured at the public expense, and forwarded to each of the Clerks of our Superior Courts, to be placed in their respective court-houses, it might have a tendency to diffuse more generally among our citizens correct knowledge of the geography of our State, and discharge in some degree the obligation which the community is under to the enterprizing publisher.

I transmit in file marked A, the Ordinance and Report of the Convention of South Carolina;--Resolutions of the Legislatures of Maine, Massachusetts, New Jersey, Delaware, New York, Mississippi, Indiana and Illinois, approving the Proclamation of the President of the United States, and reprobating the proceedings of the people of South Carolina;--from Connecticut and Maryland, approving the Proclamation and the Tariff, and disapproving the doctrine of Nullification;--from Alabama, disapproving the Tariff and reprobating Nullification;--from New Hampshire, approving the Proclamation and commending the exercise of the Veto;--and from Virginia, recommending to the people of South Carolina to rescind their Ordinance, and to Congress to modify the Tariff Laws. The file marked B., contains Resolutions of the Legislature of South Carolina, recommending the call of a Convention to determine questions of disputed power between the States and the General Government; and Resolutions from Massachusetts, Delaware, Ohio and Mississippi, dissenting from the propesition. In the file C, will be found Resolutions of the Legislatures of New Hampshire, Delaware, and Illinois, recommending the passage of a Law by Congress for the more perfect and uniform organization of the Militia;—from Massachusetts and Pennsylvania, requesting the Governors of the several States, to recommend to their respective Legislatures, the adoption of such measures as may be necessary to ensure a speedy and entire abolition of Lotteries; and from New Hampshire, Resolutions proposing an exchange of Law Reports. These papers will doubtless receive the respectful consideration to which they are entitled, by the importance of the principles discussed, and the high sources from which they emanate.

My Private Secretary will lay my Letter Book before you, together with such resignations of militia officers and Justices of the Peace as have been received since the adjournment of the last General Assembly.

The death of Chief Justice Henderson, the last of the three illustrious men, who constituted the first Supreme Court, held under the present system has caused a vacancy in the high office, which he filled for so many years with such distinguished ability, integrity and usefulness. The election of a successor, is among the many important duties which demand the attention of the Legislature at the present session.

In this annual Message, I have deemed it proper to direct your attention to the more important subjects of legislation only. Various matters of less general interest, but which are nevertheless worthy of your consideration, will be communicated in due time.

In the remarks which I have deemed it my duty to submit to you, I have endeavored to unite that frankness which is of the essence of our free institutions with the respect due to the immediate representatives of the people. If I have failed in either, I trust it will be attributed to no want of disposition to discharge with fidelity the obligations imposed upon me by the station I occupy. My opinions have been expressed with an earnestness inspired by a conviction of their correctness, unaccompanied, however, by any vanity that can be pained by the detection of their fallacy. I have no other ambition than to unite with you in the adoption of such measures as shall be best calculated to develope and improve our physical and intellectual resources to promote the prosperity and advance the character of the State.

I have the honor to be, Gentlemen,
With high consideration,
Your obedient servant,
DAVID L. SWAIN.

Executive Department, North Carolina,
November 18th, 1833.

REPORT

OF

THE PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

Transmitted, according to act of Assembly, on the 20th November, 1833.

RALEIGH:

Charles B. Ramsay—Printer to the State.

1833.

TREASURY DEPARTMENT, No. Ca.
18th November 1833.

SIR,

I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to the act of 1827, entitled "an act concerning the Public Treasury."

I have the honor to be,

With great respect, Sir,

Your obedient servant,

W. S. MHOON.

The honorable the Speaker,

of the House of Commons.

REPORT.

TREASURY DEPARTMENT, 18th Nov. 1833.

The Honorable the General Assembly of the State of North Carolina.

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "an act concerning the Public Treasury," the Public Treasurer respectfully submits the following

REPORT.

1. OF THE PUBLIC OR UNAPPOPRIATED REVENUE AND EXPENDITURES.

The balance of cash remaining in the Public Treasury on the first day of November, 1831, was		$33,022 99
The receipts during the ensuing fiscal year, ending on the 31st day of October 1832, amounted to		94,500 43
		127,523 42
The disbursements during the same period amounted to		119,598 68
Which, deducted, show the balance of cash remaining in the hands of the Public Treasurer on the first day of November, 1832, as reported to the General Assembly of that year, and for which he is charged in the books of this office to be		7,924 73
The receipts at the Treasury from all sources of unappropriated revenue, during the last fiscal year, that is, from the 31st Oct. 1832, to the 1st Nov. 1833, amounted to one hundred and eighty-eight thousand, eight hundred and nineteen dollars, and ninety seven cents, ($188,819 97) viz:		
Cash received of the Sheriffs for public tax, being the *ordinary* revenue of 1832, payable into the Treasury on the 1st Oct., 1833, and not otherwise appropriated	$67,834 64	
Ditto on account of additional returns of taxes (see statement marked A)	285 60	
Ditto State Bank of North Carolina for dividends of capital stock	54,493 89	
Ditto Bank of Newbern, ditto	45,450 00	
Ditto Bank of Cape Fear: tax of one per cent on capital stock	2 601 00	
Ditto Bank of Newbern, ditto	3,827 85	
Ditto State Bank of North Carolina, for dividends of profit on 2764 shares of stock at 2 pr. ct. for the half year ending in December 1832	5,528 00	
Ditto Lewis Bond Sheriff of Bertie for judg't. in Supreme Court against A. M. Slade one of the sureties of the late Sheriff of Martin County.	678 29	

Ditto John Sloan late sheriff of Mecklenburg, part of judgment against said Sloan and sureties for tax of 1831 - - - - -		1,000 51	
Ditto sundry persons, for sales of furniture at Government House per resolution General Assembly. [statement B.] - - -		100 82	
Ditto Gov. Swain as Guardian ex officio of James N. Forsyth, pr. resolution last General Assembly - - - - - -		190 50	
Ditto William McPheeters, judgment against him on due bill assigned to the State by the Executor of former Public Treasurer. - -		29 19	
Ditto Wm. H. Haywood, sen'r. part of judgment Wake Superior Court - - - -		50 00	
Ditto Buncombe Turnpike Company, for dividends on the stock owned by the State in said Company, - - - - -		400 00	
Ditto ditto		150 00	
Ditto The executor of Mrs. E. E. A. Haywood for rent of public lots in the city of Raleigh, rent of 1832, - - - - -		10 00	
Ditto on bonds for sale of property of the late Jno. Haywood, Esq, principal,	$1,200 00		
Interest,	233 55		
		1,442 55	
Ditto John McRae in full of judgment against him in Wake Superior court, Principal - -	3,000 00		
Interest from 1st Decr. last	153 38		
		3,153 38	
Ditto F. J. Haywood for 2nd and 3rd bonds, Principal	523 50		
Interest	156 90		
		680 40	
Ditto John Holloway 4th bond for sales of land near Raleigh, Principal	337 57		
Interest	75 95		
		413 52	
Ditto Charles Manly 2nd bond for machine tract of land, Principal	408 00		
Interest	42 48		
		450 48	
			188,819 97
Which, with the balance stated above, show an aggregate amount of - - - - - - - -			196,744 70½
The disbursements at the Treasury for the same period, that is, from the 31st Oct. 1832, to the 1st Nov'r. 1833, for which vouchers have been delivered to the Comptroller and by him allowed, amount to - - - - -			138,867 46½
Which deducted, show the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable on the 1st of November 1833, to be - - -			57,877 24

The disbursements for the year, as stated above and deducted, consist of the following items, viz:

General Assembly,	$39,518 09
Rebuilding Capitol,	32,030 00
Treasury notes burnt by committee of Finance, session of 1832,	18,681 38½
Judiciary,	22,448 00
State Bank of North Carolina, interest on the deferred payment for stock,	3,356 24
Executive Department,	2,300 00
Treasury Department,	2,000 00
Department of State,	1,160 50
Comptroller's Department,	1,000 00
Penalties for failing to comply with the Act of 1831, refunded, per resolution General Assembly,	3,600 00
Electoral Election,	1,371 02
Sheriffs, for settling tax,	1,021 05
Public Printer,	900 00
Pensioners,	816 00
Congressional Elections,	519 94
Electors,	416 85
Adjutant General's Office,	200 00
Bogue Banks,	60 42
Money burnt, issues of 1788 and 1785,	8 20
Contingencies,	7,459 77
	$138,857 46½

For a more detailed exhibit of the items which make up this expenditure, and of payments on account of "allowances, or drafts made by the General Assembly, and warrants issued by the Governor," &c., as required by the 11th section of the act of 1827, the Comptroller's Statement, prepared for the use of the members of the present General Assembly, is respectfully referred to. The specifications therein of the disbursements, is made from the vouchers received and paid for at the Treasury, and will be found to agree with the entries in the books of this office.

The following statement of the moneys received and expended on account of the Literary and Internal Improvement Funds, are also submitted in further discharge of the duties required by the several acts of Assembly.

II. OF THE LITERARY FUND

The balance of cash remaining in the hands of the public Treasurer, as Treasurer of the Literary Fund, on the thirty-first day of October, 1832, as reported to the General Assembly of that year was, - - - - - - $38,586 32

The receipts at the Treasury of money belonging to this Fund, from the 31st of October 1832, to the 1st day of November 1833, amount to twenty-eight thousand four hundred and thirty-eight dollars and forty nine cents, [28,438 49] and consist of the following sums, viz:

Cash received for Entries of vacant land	$6,270 43
Ditto for taxes on sales at auction received of sun-	

dry auctioneers, , - -	675 6d	
Ditto for Tavern Tax received of Sheriffs -	2,737 28	
Ditto State Bank of North Carolina for dividends of Stock belonging to President and Directors of Literary Fund, - - -	14,100 00	
Ditto ditto for dividends of profits on stock owned by the President and Directors of this Fund - -	564 00	
Ditto Bank of Newbern for dividends of capitol belonging to President and Directors of this Fund. - - - -	3,525 00	
Ditto Cape Fear Navigation Company for dividends of profits appropriated to this Fund,	566 14	
		28,438 49
Making when added to the balance above stated the amount of - - - - -		117,024 81½

There has been no expenditure from the Literary Fund during the year.

III. OF THE FUND FOR INTERNAL IMPROVEMENT.

Balance on the 31st October 1832 as reported to the General Assembly of that year, - - - - -		$813 40½
The receipts of the Treasury on account of the Fund for Internal Improvement, from the 31st October 1832 to the 1st November, 1833, amounted to one thousand four hundred and fifty eight dollars and sixty-one cents ($1,458 61) viz:		
Cash received of sundry purchasers of Cherokee lands appropriated by law to this fund (statement C) Principal $1,073 15 Interest 324 33	1,397 48	
Ditto John T. C. Wiatt, auctioneer, for sale of camp equipage - - - - - -	61 13	
		1,458 61
		2,272 01½
The expenditures for the same period amounted to one thousand two hundred and ninety two dollars ninety-three cents ($1,292 93) viz.		
This sum paid A. G. Kean, balance due him for work on Cape Fear River, - - - - -	$258 76	
Ditto James Wyche, Superintendent of public works, as per account stated. - - -	74 00	
Ditto ditto for postage on warrant of the Board of Internal Improvement, - -	4 92	
Ditto Wm. R. Hill, Secretary of the Board, - -	9 00	
Ditto James Mebane, for the Cape Fear Navigation Company, being the balance of the State's subscription to the stock of that company, accord-		

ing to the account kept by the Board of Internal Improvement - - 896 25
Ditto James Wyche Superintendent Public Works on account of salary - - - 50 00

1,292 93

Which sum deducted, leaves a balance due the Board of Internal Improvement of - - - - 979 08½

The above disbursements from the fund for Internal Improvement are also sustained by vouchers properly taken at the Treasury office passed upon and filed by the Comptroller as directed by the 21st section of the act of 1827. They will be found likewise to agree with the entries in the books of the two offices.

This Fund has become so reduced, as to have but little more than a nominal existence; nor is there a prospect of its accumulating much from any resources now within the control of the Board. The receipts from Cherokee purchasers constitute at present its only source of income. These at best would be inconsiderable, but owing to the unsettled state of the title to those lands, collections have of late been almost entirely suspended. The whole amount of bonds exclusive of interest, as shown by the bond account kept in this office, was, on the 31st October last,

RECAPITULATION.

The foregoing statements show balances of cash on hand at the close of the business of the fiscal year ending on the 31st of October 1833, as follows, viz:

Amount as Public Treasurer - - -	$57,877 24
Ditto Treasurer of the Fund for Internal Improvement	979 08½
Ditto Treasurer of the Literary Fund - -	117,024 81½
Making an aggregate amount of - - -	175.881 14

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this and the Comptroller's office and for which he is therefore accountable on the 1st day of November 1833. This amount is disposed of (as directed by law) in the following manner, viz.

Deposited in the State Bank of North Corolina at Raleigh and remaining at the credit of the Public Treasurer on the 1st day of November 1833. - - -	80,678 47	
Ditto Bank of Newbern ditto.	66,558 59	
Ditto Bank of Cape Fear, Fayetteville, -	19;044 35	
		166,281 41
Worn Treasury notes, silver change &c., deposited in the vault of the Treasury - - - -		9.599 73
		175.881 14

It will be seen in the course of the examination about to be made by the committee of Finance, into the fiscal operations of the past year, that not only the sheriffs, but all others charged with the collection and paying into the Treasury, of the public revenue, have observed a punctuality in the discharge

of their duty, which it is believed, is without a parallel in any previous year. By the Act of 1827, the Public Treasurer and Comptroller are required to publish anually on the 1st day of November, a list of the delinquents. It is remarkable that there has been no necessity for such publication, the present year; inasmuch as there has not been a single instance of default in *any* collecting officer; and it gives me particular pleasure, to have this opportunity of bearing public testimony, to the promptness and fidelity of those with whom it is made my duty to act, and in whom these qualifications are so important. Such punctuality, while it contributes to render plain and facile the business of this office, also proves much for the excellence and security of the present mode of collecting the revenue. The law in relation to the tax on sales at auction, is not however, altogether free from exception. It provides that the court of pleas and quarter sessions may appoint as many as three auctioneers in each county, who are required to make quarterly exhibits to the clerk of said court of the amount of goods sold; an abstract of which the clerk is required to transmit annually in the month of October to the Comptroller. Upon this return, the auctioneer is charged with the tax, which is levied, per centum, on the amount of sales. Many counties in the State appoint no auctioneers, and the only evidence we have of the appointments made, is furnished by the abstract forwarded by the Clerk, and even this, does not furnish the names of the sureties. Now it may, and sometimes does happen, that an auctioneer fails to file with the clerk, an account of his sales; of course the clerk can make no return to the Comptroller, and thus a delinquency may escape altogether the knowledge of the Public Treasurer, whose duty it is, to bring the delinquent to account, or enforce the penalty for neglect. It would therefore, seem obviovsly better, that the clerks should be compelled, in like manner as they now are in relation to sheriffs, to certify to the Comptroller the names of each auctioneer and his sureties, in their respective counties, and where there is no appointment to certify the fact. By requiring certificates from *all* the counties, as well where no appointments are made, as where they are, *every* delinquency, whether arising from the neglect of the clerk or auctioneer, must necessarily be exposed. Defects of this kind, may exist in the *mode of collecting* the taxes, but that must be regarded as much less exceptionable than the *manner of levying* them. Much of the most active property in the country—that which is most productive to its owner—and in many States is made to yield a large portion of the public revenue, is, in our State, entirely free from taxation; while that on which the burden is intended to be imposed, is so unequally taxed, as to render what would be light, in the aggregate, in some instances, grievous, and difficult to pay. It seems hardly reasonable, that the owners of real estate should be subjected to a tax of $\frac{1}{2}$ to $\frac{3}{4}$ per centum on the value of their property, and the rich capitalist left untouched. Yet this is the case; and especially with such real estate, as, in addition to public, county, and poor tax, pays also, a corporation tax. The evil is further aggravated by the unequal operation of the law regulating the assessment of lands. This subject has before been presented to the consideration of the Legislature; and with great deference, it is conceived, cannot be too earnestly pressed upon their attention, both with a view to distributing more equally the burden of taxation, and as the means of increasing the public revenue, to an amount equal to the current expenses of the government. A moderate poll tax of 20 or 25 cents, and one-tenth of one per centum, on the value of every species of property, with such discriminations as might be thought expedient, could not be complained of as high. Yet such a system, with a proper revision of the assessment law, would probably bring into the Treasury three times the amount of the present revenue.

In receiving of the State Bank, the dividend of capital, which was made in January last, a difference of opinion arose, as to the amount to which the State was entitled; the dividend being fifty pr. ct: It was claimed on the one hand, that the State ought to receive fifty dollars, for every share of Stock she owned in that institution, and *for which she had paid.* About 839 of the shares originally subscribed by the State, according to particular stipulations in the charter, have never been paid for. On these shares, nothing was claimed, as nothing had ever been paid. On the other hand, it was contended that an amount sufficient to pay for all the shares subscribed, at one hundred dollars each, should be retained out of what was acknowledged to be due; thereby compelling the State to pay $100 for stock avowed by the Bank to be worth but 75 The amount claimed and withheld was $41,953 05, though the real matter in dispute is just the difference between the nominal and real value of as many shares of stock as have not been paid for. The justice of the claim it was thought, after taking counsel, would warrant the expense of a lawsuit, and one has accordingly been instituted and will stand for adjudication at the next term of our Supreme Court. In this suit, it is also made a question, whether the Bank is entitled to the four per cent interest, on the deferred payment for stock, which it has heretofore received of the State.

The sum of six hundred and seventy-eight dollars and twenty-nine cents, ($678'29) stated to have been received on a judgment against Alfred M. Slade, one of the sureties of Edward Griffin, former sheriff of Martin county, was received in part discharge only. For the balance of the judgment, (being the penalty incurred by the sheriff for failing to settle for the tax of 1826,) Mr. Slade was permitted to give his bond with good personal security, which bond is now on file in this office and will be immediately collected unless remitted by the Legislature.

The sum of seventy-nine dollars and nineteen cents, ($79,19) being composed of the sums stated to have been received of William McPheeters and William H. Haywood, Senr., has been placed to the credit of the judgment against John Haywood, Esquire. Those sums having been received on claims assigned to the State by his Executors, and by agreement to be so credited when received by the Public Treasurer. The balance of that judgment yet unsatisfied, exclusive of interest, is $17,740,40.

The following statement shows the debit of the Public Fund, to the Literary Fund, at the periods stated, viz:

On the first day of December, 1832, the balance against the Public Fund was	$14,125,05
1st January, 1833,	24,547,69
1st February "	66,016,75
1st March "	12,982,49
1st April "	12,742,73

On the first day of May, the Literary Fund had been reimbursed, and a balance of $24,230,21 stood to the credit of the Public Fund. Since that time, there has been no occasion to use the money of the former, to answer demands on the latter.

The demand at this office, for the redemption of Treasury notes, it will be seen by statement (K.) accompanying this report, has been rapidly diminishing for two years. From that statement, and from their great scarcity in the country, the inferrence is fair, that the amount yet in circulation, after making proper allowance for what may have been destroyed, cannot be very considerable,—probably from twenty-five to thirty-five thousand dollars.

The necessity for legislation on the subject of banks and a circulating medium, has been apparent to the Legislature for some years past, from their repeated efforts, at every session, to do something in relation to it. That ne-

cessity, and the difficulties in transacting the business of this office, growing out of the particular state of the local currency in North Carolina, yet exist; and in addition, the time has now arrived, when it would be proper to make some other provision for the public deposites, if the charters of the present banks are not to be extended. With the State Bank the deposites have already ceased to be desirable, and are certainly no advantage to any bank which has not the privilege of doing business. It is then at least questionable, whether the obligation of the banks to keep them, does not expire with their original charters, on the 31st December, 1834, In order to meet the inconvenience thereiore, of being unprovided with a place of safety for depositing the public money, some action of the present legislature would seem to be necessary-

The file marked (D.) herewith transmitted is referred to, for a more detailed statement of the nett amount of the different branches of the ordinary revenue, and the cash received thereon; also the receipts from other sources, not appropriated to particular funds, and payable into the Treasury, from the 1st November, 1832, to the Ist November, 1833

A statement of the insolvencies allowed by the Comptroller in settling with the sheriffs is shown in file (E.)

(F.) exhibits the number of shares of Bank stock owned by the State, and by the President and Directors of the Literary Fund; showing also the number on which the dividends have been appropriated to the several funds respectively This statement varies from the one made last year, only, in the addition of four shares of State Bank stock, transfered to the State by the Governor as Guardain ex-officio of James N. Forsyth, as directed by a resolution of the last General Assembly.

The Bank exhibits received at this office, since the last session of the General Assembly will be found in the file marked (G.)

All of which is respectfully submitted,

WILLIAM S. MHOON, Public Treasurer.

(A)

Statement of Cash received in the Treasury from the 31st day of October, 1831, to 1st day of November, 1833, on additional returns of taxes.

Sheriffs.	Counties.	Tax due.	Amount paid.
William H Archibald	Cabarras	1831	$14 78
Fielding Slater	Rowan	do	15 83
Wm. C. Clanton (late)	Warren	do	14 66
Wm. C. Butler do	Burke	do	73 74
William Carson	Rutherford	do	39 15
Nathaniel Harrison	Buncombe	do	21 51
Thomas Ward	Lincoln	do	15 65
James H Wood	Northampton	do	13 67
Salathiel Stone	Stokes	do	2 71
Howell Albritton	Pitt	do	1 44
Gabriel Holmes	New Hanover	do	4 81
George Williamson, do	Caswell	do	32 94
Thomas D. Watts, do.	Orange	do	4 99
Joseph Medley, do.	Anson	do	23 58
Thomas McDonald	Moore	1832	6 14
			285 60

I. WETMORE, Cl'k T. D.

(B)

Statement of Bonds and Cash received for sales of Funiture at the Government House, made on 1st and 2d of April, 1833, in pursuance of a Resolution of the General Assembly of 1832.

BONDS.

Romulus M. Saunders and others, due		1st January, 1834,	$23 00	
William F. Clark	do	do	36 55	
Henry Gorman	do	do	60 95	
William Thompson	do	do	39 00	
John C. Stedman	do	do	53 95	
Nathaniel O. Blake	do	do	8 77	
William E. Dunn,	do	do	8 75	
H. W. Montague,	do	do	98 85	
William G. Hill,	do	do	20 00	
				349 82

CASH.

Received of	E. P. Guion,	13 37	
Do	William Hill,	4 75	
Do	Robert Harrison,	6 00	
Do	William Polk,	18 88	
Do	Willis Whitaker.	16 72	
Do	William Peck, crier, paid to him by sundry purchasers,	41 10	
			100 82
			$450 64

I. WETMORE, Cl'k T. D.

(C)

Statement of Cash received in the Treasury on the Bonds due on account of Sales of Cherokee Lands, from 31st October, 1832, to 1st November, 1833, belonging to the Fund for Internal Improvement.

Date.	From whom received.	Bonds paid.	Principal.	Interest.	Total.
1832.			D. C.	D. C.	D. C.
Novr 17	William Underwood	full 3d & 4th	39 00	15 29	54 29
Decr. 1	Abraham Pickelsimer	do 1st		2 82	2 82
"	do do	part 3d	31 31½	10 86½	42 18
"	Theophilus Johnston	full 3d	28 60	17 47	46 07
"	Thomas Rogers	part 4th	27 04	2 96	30 00
"	John Stiles	full 2d		3 21	3 21
"	do do	part 3d	6 79		6 79
"	Tavner B. Moore	full 4th		14 64	14 64
"	Trst'sFranklin Ac'my		10 00		10 00
6	Joseph E. Bell	full 3d		16 89	16 89
"	do do	part 4th	52 00	6 11	58 11
"	Hiram Dimsdale	full 4th	30 42	10 26	40 68
"	George Penland	do 4th	30 46	22 23	52 69
19	David Millsaps	do 4th	24 75	9 15	33 90
24	David Rogers	do 4th	77 25	33 19	110 44
27	Zachariah Cabe	part 4th	250 00		250 00
"	Alfred Brown	full 3d & 4th	114 00	45 40	159 40
"	Joseph Welch	do 2d & 3d	116 25	48 65	164 90
"	do do	part 4th	60 70		60 70
1833.					
Jan'y. 5	John Addington	full 1st & 2d	40 78½	18 74½	59 53
"	do do	part 3d	5 47		5 47
"	David Rogers	part 4th	18 81		18 81
"	Amos Curtis & others	full	20 00		20 00
May 1	William Sweatman	do 2d,3d, 4th	43 75	17 21	60 96
1.	William Siler	do 3d	20 43	29 24	49 67
"	do do	part 4th	25 33		25 33
			1073 15	324 33	1397 48

I. WETMORE, Cl'k T. D.

(D)

Statement of the nett amount of the different branches of Revenue, and the Cash received thereon, and from other sources not appropriated to other Funds, and payable into the Treasury, from the 31st October, 1832, to the 1st day of November, 1833.

Branches of Revenue of 1832, and from whom Cash has been received.	Amount.	Aggregate.	Am't paid.
	D. C.	D. C.	D. C.
Tax on Land,	23,011 30		
Do Town Property,	1,351 35		
Do Polls,	28.012 87		
Do Stud Horses,	1,515 85		
Do Gates,	94 00		
Do Stores,	9,163 31		
Do Pedlars,	2,575 60		
Do Artifical Curiosities,	1,287 86		
Do Natural Curiosities,	352 50		
Do Billiard Tables,	470 00		
BANK TAX.		67,834 64	67,834 64
Bank of Newbern,	3,827 25		
Bank of Cape Fear,	2,601 00		
BANK DIVIDENDS OF CAPITAL.		6,428 25	6,428 25
State Bank of North Carolina,	54,493 89		
Bank of Newbern,	45,450 00		
BANK DIVIDENDS.		99,943 89	99,943 89
State Bank of North Carolina,	5,528 00		
MISCELLANEOUS.		5,528 00	5,528 00
Additional Return of Public Tax,	285 60		
Lewis Bond Judgment vs. Slade,	678 29		
John Sloan, Judgment vs. him,	1,050 51		
Sales of Furniture at Gov't House.	100 82		
Governor Swain, Guardian, &c.	190 50		
Creditors of John Haywood,	79 19		
Buncombe Turnpike Co. Dividends,	550 00		
Land Rent,	10 00		
Sales Land & Negroes, viz:			
Principal $1,209 00			
Interest 233 55			
	1.442 55		
John McRae, Judgment vs. him,			
Principal $3,000 00			
Interest 153 38			
	3,153 38		
Fabius J. Haywood, viz:			
Principal $523 50			
Interest 156 90			
	680 40		
John Holloway, viz:			
Principal $337 57			
Interest 75 95			
	413 52		
Charles Manly viz:			
Principal $408 00			
Interest 42 43			
	450 43		
		9,085 19	9,085 19
		188,819 97	188,819 97

I. WETMORE, Clk T D.

(E)

Statement of Insolvents allowed by the Comptroller to the Sheriffs in their settlement of the Taxes of 1832.

Sheriffs:	Counties.	Amount.
		D. C.
Hampton B. Hammond	Anson	15 00
Nathaniel Harrison	Buncombe	16 80
John Boon	Burke	22 40
John McLean	Cumberlan	12 80
Isaac Baxter	Currituck	7 80
Horace D. Bridges	Chatham	30 60
Absalom Fulford	Carteret	7 20
William D. Rascoe	Chowan	4 80
Thomas J. Pasteur	Craven	29 80
William Kenneday	Davidson	1 00
Spencer L. Hart	Edgecombe	35 60
Gustin Perry	Franklin	26 40
James W. Doak	Guilford	18 20
Richard G. Cowper	Hertford	20 00
James Simmons	Halifax	28 40
Allen S. Ballinger.	Johnston	3 00
Hiram Caldwell	Iredell	12 80
James R Riddick	Gates	10 60
William Huggins	Jones	10 60
Thomas Ward	Lincoln	80
Samuel W. Vick	Nash	2 40
Joshua R. Pool	Pasquotank	5 80
James Long.	Perquimons	5 60
William Crawford	Richmond	12 00
Fielding Slater	Rowan	21 20
William Carson	Rutherford	31 20
Martin Roberts	Rockingham	10 40
Salathiel Stone	Stokes	10 40
Thomas B. Right	Surry	20 20
John J Bryan	Wilkes	9 60
William Thompson	Wayne	8 40
Paschal B Burt	Wake	19 40
John W. Taylor	Greene	8 80
		486 00

L. WETMORE, Cl'k T. D.

(F.)

A statement showing the aggregate number of Shares of Bank Stock owned by the State of North Carolina and by the President and Directors of the Literary Fund on the 1st November, 1833.

Shares of Stock of the State Bank of North Carolina, owned by the State and dividends unappropriated,	2 768	
Ditto ditto by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund, - - -	282	
		3,050
Ditto Stock of the Bank of Newbern, owned by the State, and dividends unappropriated, - -	155	
Ditto ditto dividends appropriated to the Fund for Internal Improvement, - -	1,304	
Ditto ditto dividends appropriated to the Literary Fund, - - -	359	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund, - - -	141	
		1,959
Ditto Stock of the Bank of Cape Fear owned by the State, and dividends unappropriated, - -	10	
Ditto ditto dividends appropriated to the Fund for Internal Improvement - -	1,358	
Ditto ditto dividends appropriated to the Literary Fund, - -	704	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund, - - - -	50	
		2,122
Aggregate number of shares, - -		7,131

WILLIAM S. MHOON, Pub. Tr.

(L)

An Exhibit shewing the situation of the

		Doll. C.
Specie	$107.944 37	
Foreign Bank notes and Bills of Exchange	390,775 44	
Foreign Bank credits	74,322 97	573,032 78
Bank Stock taken for debt		44.210 00
Due from Individuals for notes discounted &c-		1,006.974 12
Real Estate		148,762 94
	Dollars	1,772,994 84

State of the Bank of Cape Fear,

	Dolls.
Capital stock	496,300
Notes of this Bank in circulation	357,735
Deposited	60 958
Dividends unpaid	1,743
Due to Banks	49,482
Profit and loss or surplus	120,434
Ditto by transactions in stock of this Bank	46,467
Dollars	1.134,119

State Bank of North Carolina, May 21st. 1833.

		D. C.
Capital stock		793,775
Notes in circulation		513,734 50
Profits reserved to cover bad debts and losses on real estate		150,314 40
Due to deposites and dividends unpaid, including, of dividend of capital	$55,100	293,381 46
Internal Bills and Checks		16,789 48
	Dollars	1,772,994 84

CHARLES DEWEY, Cash'r.

To WILLIAM S. MHOON Esq.
Pub. Treas'r., North Carolina.

on the 1st of July, 1833.

	Dolls.
Specie and Notes of Bank United States	96,170
Deposites in Foreign Banks	300,719
Due by Banks in North Carolina	1,007
Notes of other Banks on hand	6,418
Real Estate	75,887
Bills of exchange	25,909
Debt	628,009
Dollars	1,134,119

JOHN HILL, Cash'r.

3

An Exhibit of the affairs of the Bank of

		Dolls.
Amount of	bills receivable	598,216
do	real estate	27,900
do	individual debt	20,000
do	foreign banks and bills of exchange	135,801
do	specie and United States notes	43,445
Do	Balance, Loss.	182,999
	Dollars	1008,361

An Exhibit of the affairs of the Bank of Newbern

		Dolls.
Bills receivable		490,171
Real estate		27,900
Individual debt		20,000
Due from Foreign Banks		124,835
do	Bills of exchange	25,948
do	Specie and United States notes	57,776
Balance, Loss		163,392
	Dolls.	910,022

Newbern, taken Friday, 30th November, 1832.

		Dolls.
Capital stock		706,200
Due to deposites		93,700
do	Foreign banks	287
do	Dividends	751
do	Notes in circulation	207,423
	Dollars	1,008,361

BANK OF NEWBERN, Dec. 10th, 1832.

WM. S. MHOON, Esq., Pub. Treas'r.

Sir,—The above Exhibit of the affairs of the Bank of Newbern, represents only such debts as have been estimated and are deemed to be good. I have the honor to be, respectfully,

Your obed't serv't,

JOHN W. GUION, Cash'r.

taken on Saturday, the 29th June, 1833.

			Dolls.
Capital stock 7,062 shares or		$706,200	
Dividend of capital of 25 per cent.		176,550	
			529,650
Due to deposites			124,732
do	Foreign Banks		1,268
do	Dividends on profit		703
do	To dividend of capital 25 per cent 7th Jan. 1833		11,375
do	Notes in circulation		242,294
	Dollars		910,022

BANK OF NEWBERN, July 16th, 1833.

WM. S. MHOON, Esq. Pub. Treas'r.

SIR,—The above Exhibit of the affairs of the Bank of Newbern, represents only such debts as are deemed to be good.

Very respectfully, your obedient servant

JOHN W. GUION, Cash'r.

(K)

Statement of Treasury notes issued and reported by the former Public Treasurer, to the comptroller of the State, to have been put in circulation according to the Acts of Assembly of 1814, 1816 and 1823.

Amount issued under the act of	1814			$82,000 00
Ditto	1816			80,000 00
Ditto	1823,			100,000 00
				262,000 00
Amount burnt by Committee of Finance according to the Comptroller's Report of	1819,	$943 34		
Ditto ditto	1821,	7,710 00		
Ditto diito	1822,	9,784 52		
Ditto ditto	1823,	6,310 51¼		
Ditto ditto	1824,	5,696 25		
Ditto ditto	1825,	12,170 89¼		
Ditto ditto	1826,	15,392 46		
Ditto ditto	1827,	15,523 98		
Burnt by Committee of Finance,	1827,	9,303 76		
Ditto ditto	1828,	17,781 89		
Ditto ditto	1829,	19,971 85¾		
Ditto ditto	1830,	21,601 61		
Ditto ditto	1831,	29,811 77		
Ditto ditto	1832,	18,681 38¾		
			190,684 22¾	
			71,315 77¼	
Deduct amount on hand in the Vault of the Treasury,			9,214 87	
Shewing a balance unredeemed and in circulation of				$62,101 90¾

W. S. MHOON, Pub. Tr.

REPORT

OF THE

PRESIDENT AND DIRECTORS

OF

LITERARY FUND,

OF

NORTH CAROLINA,

Transmitted, according to Act of Assembly, November 22nd, 1833.

RALEIGH:
Charles R. Ramsay, Printer to the State.
1833.

To the General Assembly of the State of North Carolina:

GENTLEMEN,—I transmit herewith the Annual Report, required by Law to be submitted to the Legislature, of the proceedings of the President and Directors of the Literary Fund.

I have the honor to be, Gentlemen,

With high considerations,

Your obedient servant,

DAVID L. SWAIN.

Executive Department, N. C.,
November 22d, 1883.

REPORT.

To the General Assembly of the State of North Carolina.

The President and Directors of the Literary Fund, in obedience to the Act of Assembly requiring them ro "cause to be kept by the Treasurer for the State, a regular account of all such sums of money as may belong to the said fund; of the manner in which the same has been applied and vested; and to make an annual report thereof to the Legislature, with such recommendations for the improvement of the same as to them shall seem expedient," respectfully Report,

That the receipts of this corporation for the year ending on the first day of November 1833, have been as follows viz.

Amount of tavern tax for 1833,	$2,737	28
do auction do do	675	64
do cash received do on entries of vacant land,	6,279	43
Ditto dividends received State Bank and Bank of Newbern,	18,130	00
Ditto ditto Cape Fear Navigation Company	566	14
	28,438	49
Add to this sum the amount reported by the Public Treasurer to the last General Assembly, to have been due to the Literary Fund, on the first of November 1832,	88,586	32½
Making an aggregate of	$117,024	81½

During the present year no expenditures have been made from this fund for any purpose; and for obvious reasons, the Board have declined to exercise the authority given by the third section of the act creating this corporation, "to vest any part or the whole of the fund in the stock of any of the Banks of this State, or in the stock of the Bank of the United States." The entire fund has therefore been idle and unproductive during this period.

The President and Directors have had some difficulty in determining the construction, which ought to be given to the act of incorporation; and as the question involved is one of much importance, they beg leave to refer it to the consideration of the Legislature. The second section provides that the Literary Fund, shall consist "of the *dividends* arising from certain bank stock owned by the State, the *dividends* arising from stock owned by the State in certain navigation companies; *the tax* imposed by law on licenses to the retailers of spirituous liquors and auctioneers; the *unexpended balance* of the agricultural fund, which by the act of the Legislature is directed to be paid into the Public Treasury; *all monies paid to the State for entries of vacant land* excepting the Cherokee lands, *the sum of* $21,090, which was paid by the State to certain Cherokee Indians for reservations to land secured to them by

treaty, when the said sum shall be received from the United States by this State; *and of all the vacant and unarpropriated swamp lands in this State*, together with such sums of money as the Legislature may hereafter find it convenient to appropriate from time to time." The third section declares that the President and Directors shall have authority "at all times to change, alter, and dispose of *the real and personal estate*, belonging to the said fund, in such manner and upon such terms as may in their opinion be best calculated to improve the value thereof." An Act passed at the same session, prohibits the entry of Swamp lands. Has the Act of Assembly in question transferred the Swamp lands to this corporation with authority to dispose of them? or merely a right "to all monies paid to the State" on account of them, as in the case of other vacant and unappropriated lands?

The Board entertain the opinion that the former is the true construction. The grant is express "of all the vacant and unappropriated Swamp *lands*," and not to "all *monies* paid to the State" as in the former instance. If a right to the latter merely is intended, there was no necessity of any reference to the Swamp lands, all the unappropriated lands except the Cherokee lands, being included by the other form of expression. The corporation neither owns, nor has authority to acquire any "real estate" other than these lands, so that the power "to alter, change and dispose of the real and personal estate," given by the third section, is by any other construction entirely nugatory, so far as it relates to the former species of property.

The act above referred to, passed at the same session of the Legislature, to prohibit the entry of these lands accords well with this construction. The Legislature seems at that period for the first time, to have been duly sensible of the great importance of this portion of the public domain, and it must have been upon this "real estate" alone, that any reliance could have been placed, or even hope entertained for the accumulation, within any reasonable period, of a sufficient "fund for the support of common and convenient schools for the instruction of youth in the several counties of this State."

Having arrived at this conclusion it becomes the duty of the Board in connexion with the subject, "to make such recommendations to the Legislature for the improvement of the Fund as seem to them expedient."

It is apparent that no general good could be effected, by an attempt to establish common and convenient schools in every county in the State, with a fund amounting to little more than a hundred thousand dollars.—There is at present no opportunity afforded for an investment in the stock of any bank in this State or of the United States, though it is probable this state of things will not long continue. In the mean time, they entertain the opinion that their attention may with great propriety be directed to the improvement of that part of the fund which consists of real estate, and that a portion of the money in the Treasury may well be set apart for this purpose, leaving the remainder to be invested in such stocks, as the Legislature may direct.

The Governor in his recent message to the General Assembly; has stated the extent, and made some general remarks with respect to the value of the Swamp and Marsh lands in the State. A minute and interesting description of the entire region, over which they extend, was given to the Board for Internal Improvements in 1827, by Mr. Nash, then Civil Engineer for the State. He concludes his report on this subject by observing that "North Carolina possesses a mine of wealth in her swamp lands, which if rightly managed may be made a source of great and lasting revenue. Instead of being the abodes of reptiles and howling beasts, the receptacles of stagnant waters, which spread disease and death through the country for one third of the year, these now loathsome marshes and dismals may all be converted into fruitful fields, and made the delightful habitations of man."

The Board have taken much pains, to ascertain the correctness of the description given by this gentleman of the several tracts of country surveyed by him, and to test the general accuracy of his estimates. Various publications on the subject have been consulted, the maps belonging to the Executive Department attentively examined, and much information has been obtained by an extensive correspondence with gentlemen residing in the eastern section of the State. These enquiries have produced the conviction that the subject is one of great importance, and well worthy the interest it has excited in the public mind. The general fertility of the soil is universally admitted, the extent of the surface has been ascertained by actual survey, and the effect of the anticipated improvement upon the health of the adjacent country cannot be otherwise than salutary.

The important inquiry however remains to be answered, In what way and by what means can this work be most advantageously performed? This has been the subject of much reflection with the Board, and they have been unable to devise any general system of improvement, with which they are entirely satisfied. They believe, however, that an experiment may be made without either hazard or expense to the fund, which they have in charge, which will afford the most satisfactory information by which to determine the propriety of entering upon a general system of improvement. They propose to select a single tract of sufficient extent, and offer the requisite inducement ro reclaim it, to individual effort and enterprise. With this view, they recommend as the first object of attention, the work which has been the subject of such frequent discussion in the Legislature, the improvement of the Swamp land in Hyde county, by draining Matamuskeet lake. This lake is represented by Mr. Nash to be 20 miles in length from East to West, and 8 or 9 miles wide from North to South, and to cover an area of 120,000 acres. It is elevated from 7 to 10 feet above the level of Pamptico, sound from which it is distant four miles, and has at its greatest depth 9 feet of water. He estimates that a canal forty feet in width, and eight feet in depth, may be excavated along the line of a canal already existing of the width of twelve and depth of four feet, by the expenditure of $8,000, and that it

would have the effect to lay bare and sufficiently dry for the purposes of cultivation, 60,000 acres of land, of great fertility. In addition to this, the lands of the riparian proprietors would be secured from inundation, and thus greatly enhanced in value, and the healthfulness of a neighborhood increased, which is believed to be more densely populated, than any settlement of equal extent in this or perhaps in the Southern States.

There is another object which may be attained by draining this lake or reducing its waters, which recommend it still more forcibly to public patronage. The distance from the lake to Alligator river is but four miles. If a canal be cut from the north side of the former, to the Pamptico sound, and from its southern margin to Alligator river, which it is believed may be effected without much difficulty, a direct communication will be opened between Albemarle and Pamptico sounds. The Dismal Swamp Canal is already in successful operation, and the improvement now proposed will afford a channel of communication between Norfolk and Newbern, of great importance, not only to the immediate section of country through which it will pass, but to a large portion of the Atlantic coast. Within the last two months, a company of enterprizing gentlemen have established a line of steam boats between Elizabeth City (near the point of connexion between Pasquotank river and the Dismal Swamp Canal) and Newbern. It is in contemplation to extend this line from Newbern, through the Club Foot and Harlows Creek Canal to Beaufort, and thence along the coast by Wilmington to Charleston, S. C. Through the canals connecting Mattamuskeet lake with Pamptico and Albemarle Sounds, a hundred miles would be saved in distance between Elizabeth City and Newbern, and the dangerous navigation of the lower part of Albemarle Sound avoided. This improvement would constitute a link of the great chain of internal communication which has for many years attracted the attention of some of our most distinguished statesmen. The facilities of inter-communication, which it would afford in time of peace, would greatly promote the convenience, and advance the prosperity of that section of the State; but if at any time the fleet an enemy should cut off all interconrse with our sea ports, a safe and direct inland navigation, of the character proposed as a means of defence, would be of incalculable value, not only to North Carolina, but to the Union.

It seems to be matter of surprize, that the Legislature had not been induced, long since, by the obvious advantages which must result from the successful prosecution of such an enterprize, to offer the entire body of land, which might be reclaimed, to the first individual who would drain the lake. The Board entertain the opinion, however, that if the General Assembly concur with them in the construction they have given to the Act creating this fund, and sanction the course which they propose to adopt, liberal and enterprizing individuals will be willing to incur the hazard of such an undertaking, upon terms much more favorable to the State, if successfully prosecuted, and attended by no public loss should it fail.

They therefore respectfully recommend to your honorable body to authorize the President and Directors of the Literary Fund to loan upon good security, to any number of individuals, not exceeding thirty, who will associate themselves, and shall be incorporated for the purpose of engaging in the work, a sum of money, not exceeding 30,000 dollars, to be applied by the said individuals to the accomplishment of the projected enterprize. The money to be repaid at the expiration of five years from the period at which the loan shall have been obtained, without interest. The lands when reclaimed, to be sold, and the proceeds, after the repayment of the 30,000 dollars loaned, to be equally divided between the corporation and the individuals concerned. The canals to be joint property, and reasonable rates of toll to be allowed for the transportation of produce upon them.

By this plan, the Literary Fund, for the use of the capital employed, and the land surface of the lake, which in its present condition is destitute of value, would receive one half the amount of tolls levied on the canals, and the individuals under whose direction the work shall be performed, the remaining half, as a compensation for their attention and the hazard incurred.

MEMORIAL

OF

THE CONVENTION

UPON THE SUBJECT OF

INTERNAL IMPROVEMENT;

HELD IN

RALEIGH, NOVEMBER, 1833,

TO THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1833.

MEMORIAL

OF

THE CONVENTION

OF

DELEGATES FROM THE COUNTIES OF

INTERNAL IMPROVEMENT,

TO

RALEIGH, NOVEMBER, 1838.

1838.

MEMORIAL.

To the Honorable the General Assembly of North Carolina.

The memorial of a Convention upon the subject of Internal Improvement, in which were represented forty-eight counties of the State, respectfully sheweth:

That, according to the appointment of their respective constituents, the members of the said Convention assembled in the city of Raleigh on Monday, the 25th instant, and have continued their session to the present time. That early in the session, a committee was raised, consisting of a member from each Congressional District of the State, to which was referred the general subject of Internal Improvement for the State of North Carolina, from which, through their Chairman, Duncan Cameron, Esqr. the Convention received the following report, to wit:

"The committee to which was referred the general subject of Internal Improvement for the State of North Carolina, report to the Convention as follows:

"That they have duly considered the several matters referred to them, and after a full conference and comparison of views, they trust that they have been enabled to digest a plan, which, if not perfect in itself, is at least the best that they can reasonably hope will be carried into execution.

"It is no doubt obvious to every thinking man, that no plan could be devised entirely acceptable to all, or, perhaps, in all its details, acceptable to any one; while it is equally apparent that unless something is done to accommodate all, or nearly all, without an entire change in the principles of human nature, that hearty support and concurrence from the different sections of the State, so essential to ultimate success in our undertaking, cannot be expected.

"It was necessary, therefore, that the plan devised by the committee should be as wide and general as the wants of the State require, and its means are sufficient to accomplish. The State may be considered as divided, in its present condition, by five distinct sectional interests, viz. First, what are called the Northern counties; secondly, the Tar river and Neuse counties; thirdly, the counties usually trading to the towns on the Cape Fear; fourthly, the extreme Western part of the State; and, fifthly, the middle counties, lying on the Roanoke.

"To obtain the support and countenance of these different sections, as well as to accomplish our design of general utility, the interest of all these sections must be consulted and attended to. The committee thought it rather calculated to excite discord, and to cool the ardour of those whose views might not be fully met, to be at this time specific in the recommendation or rejection of any of the plans which have been referred to their consideration; every one of which may perhaps be, in itself, highly worthy of public patronage; but, from their multitude, beyond the reach of the means of the State to accomplish all, and, from their peculiarly local character, not well calculated for incorporation into any general system of Internal Improvement. But to meet the wants, in part, of the people of the Northern counties, and those lying below Halifax, upon the Roanoke, they recommend a communication from Edenton by rail road, intersect-

ing with the Portsmouth Rail Road to Roanoke, or by Canal with the Dismal Swamp Canal.

"To accommodate the people on the Tar and Neuse rivers, they recommend the cutting a ship channel, to connect the waters of Beaufort Harbour with Neuse river. They propose further a communication, by rail road, river, or canal, or any two of them, or all *united*, from some point on the seaboard of the State, to the Tennessee line; and another communication of the same kind from some point on the Roanoke river, running southwardly, to the South Carolina line. These two latter works, it is believed, will fully answer the purposes of the other remaining portions of the State; while the whole combined will, it is hoped, meet the wants of the State at large, and all, and every part, readily fall in with, and form a part of, any internal communication which it may be hereafter thought necessary to form between the eastern, western, northern and southern portions of the Union.

"They do not think it expedient at this time to indicate the points of commencement or termination, on the general routes of any of these works, but recommend that a Board of Internal Improvements should be raised, and an Engineer or Engineers employed, with full power and authority to plan and conduct the works according to the general outlines agreed upon. This general scheme, from its very nature and magnitude, they believe to be entirely without the range of individual enterprize, and therefore recommend its execution exclusively by the means of the State, and under the direction of its officers. While the committee are of opinion that most, if not all the specific plans referred to their consideration, are too peculiarly local to form a part of the general scheme above mentioned, they are far from being disposed entirely to overlook them; but as the selection of particular scheme or schemes, from among the number submitted as the most worthy subjects of legislative patronage, is an invidious task, and which, furthermore, they feel themselves very illy qualified to perform, the committee flatter themselves that by the adoption of one or two general principles they will bring all those local works, worthy of legislative patronage, within its reach; so that none may be turned away, who have claims to attention; while none will be fostered beyond their merits. To meet this view, they recommend that whenever any company shall be incorporated by the General Assembly, for any work of Internal Improvement, such company shall, in the prosecution of their work, be at liberty to intersect with, or cross any other work executed or to be executed by any other incorporated company or by the State; and that whenever the stockholders of any such company shall pay, or secure to be paid, three-fifths of the amount necessary for the completion of any such work, the General Assembly may, in their discretion, subscribe the remaining two-fifths, for and on account of the State, if thereunto requested by such company.

"The committee have endeavoured to form an estimate of the amount necessary for the full accomplishment of the foregoing scheme; and, after mature consideration, they feel very confident that five millions of dollars will be a sufficient allowance. This sum will not be required in greater instalments than one million of dollars per annum; perhaps much less may serve.

"Whatever amount may be required, cannot be raisd otherwise at this time than by loan. This, the committee is informed, may probably be

obtained at a rate of 4 per centum per annum; but it is believed that the rate can, in no event, exceed five, if proper measures are adopted to provide for the regular payment of the interest. The committee does not doubt that the Legislature will, if it should so happen that the resources hereafter pointed out shall be insufficient for this purpose, by a proper system of taxation, supply the deficiency, which the Convention should recommend, and stand pledged to sustain them in to the extent of its weight and influence in the community. In addition to the vast fund of wealth held by the State in the affections and property of her citizens, the annexed schedule sets forth sundry items amounting in all to the sum of 1,067,000 dollars, actual property, belonging to the State, and now available to a great extent; uncertain items amount to 706,000 dollars; and the swamp lands, which the committee recommends should be pledged as far as it will go to the payment of the interest, and repayment of the principal, of such sums as the State may from time to time find it necessary to borrow for the prosecution of the scheme of Internal Improvement.

"The sum of $1,067,000, at 4 per cent. will yield an income of $42,080, and other annual items added thereto gives a certain available income of $51,055 per annum. Part of this sum, it will be seen, consists of effects which have been heretofore set apart for the Literary Fund. But your committee thinks that the great object for which this fund was originally set apart, will in no wise suffer by the proposed diversion. This fund has been for a number of years lying unused, and would probably so remain for a number of years to come, so far as the use for which it is nominally designed is concerned; and, if used immediately, it is thought that in no way could it contribute so effectually to a wide and immediate spread of really useful and substantial knowledge, as by increasing the facility of intercourse between the different sections of the State, and bringing well informed persons, bearing with them the arts and sciences, with all the improvements of civilized life, to the most inaccessible mountains and sequestered vallies of the State. A part of the fund which it is proposed to set apart as a partial security to those who may become the creditors of the State, it will also be seen, consists of lands lying in the western part of the State, to which the Indian title has not as yet been extinguished. It is, therefore, desirable that this title should be extinguished as soon as practicable; and to that end it is recommended by the committee, that in some proper way the attention of our representatives in Congress should be called to this subject. It is not the province of this Convention to interfere with any matter which may have a tendency to awaken political differences, or express any opinion upon political questions; but your committee may be allowed to say that many are of opinion that the bill commonly called the Land Bill, will sooner or later become a law of the Union; and, should it do so, the State of North Carolina will be entitled to the sum mentioned in the schedule; and your committee have, therefore, put it down as what may possibly constitute a part of her effects. Your committee further recommend, as the most effectual and speedy mode of carrying into execution the views and wishes of the Convention, that a memorial, signed by the members of that body, be respectfully submitted to the Legislature, during its present session, praying its concurrence therein, and its aid in their accomplishment.

"Respectfully submitted.

"DUNCAN CAMERON, *Chairman.*"

Schedule of the effects proposed to be pledged to creditors of the State upon the contemplated loan.

Estimated value of Bank stock,		$500,000
Do. do. Roanoke Navigation stock,		50,000
Do. do. Cape Fear do.		32,500
Do. do. Buncombe Turnpike,		5,000
Do. do. loan to Clubfoot and Harlows,		33,000
Do. do. Road stock Pungo and Plymouth,		2,500
Loan to Tennessee Turnpike Company,		2,000
Do. Swannanoah do.		2,000
Cherokee bonds,		40,000
Do. lands in Macon unsold,		100,000
Do. do title unextinguished,		300,000
		1,067,000
Claim for military expenditures during late war,	20,000	
Proportion of Western lands,	686,000	
	$706,000	
Swamp lands without estimate.		
Annual income interest on above sum of 1,067,000 dollars, at 4 per cent.		42,680
Entries of lands,		5,000
Taxes on sales at auction,		675
Tavern tax,		2,700
		$51,055

After a full, free and animated discussion upon the question of concurrence in the Report, 44 counties voted in the affirmative to 4 in the negative; and, upon motion, one member from one of the counties in the minority was allowed to enter his dissent to the vote of his said county.

In conformity with the last clause of that Report, the Convention begs leave to lay before the Legislature and people of the country, in a condensed form, its views and wishes upon this all important subject. The Convention disclaims all idea of dictating to the Legislature in the discharge of that high trust which is committed to it under our happy and wise Constitution; but asks the reasonable privilege of respectfully appealing to the sound sense, the warm patriotism and high responsibility of your enlightened body in behalf of a people, of whom, in common with yourselves, they constitute a part. The improvements made in other States have awakened in our citizens a sense of their own necessity, and pointed to the means by which they are to be relieved. Through us they cry to your honorable body, for it is you alone who can do it, to put those means within their reach, and we confidently trust their cry will not be unheard or disregarded. We invoke the aid of the Legislature not in the ordinary way of petitioning for charters, and praying for some pitiful contribution from the coffers of the State to aid us in the accomplishment of some trivial local object; but we come boldly forward and tell you that our plan is too stupendous for individual enterprize, too general in its utility to be the peculiar concern of any one section of the State, and pray that its execution

may be exclusively directed by the parental wisdom of the State government, and the means furnished from its Treasury. The first question which presents itself is, is this demand reasonable? Is it right and proper that the government of a State should undertake the accomplishment of great public works? This certainly sounds much like a self-evident proposition, and it seems difficult to conceive how a negative answer should ever be thought of. But, strange as it may seem, doubts have been expressed upon the question. The tendency of human nature is to run into extremes, and in sudden and precipitate flight from one error, a man often finds himself thoughtlessly rushing into an opposite, but not less fatal one. The extravagance of trans-atlantic governments was found to be a fruitful parent of corruption, and, therefore, cheapness was early sanctified in our political history as a needful attribute of a pure one. But the evil principle complained of in those governments was not expenditures in the improvement of the country, in patronizing agriculture and fostering the arts, but those made in pensioning the minions of power, in sustaining an indolent and purse-proud aristocracy, in the *sinecure* salaries of useless officers, and in cruel and criminal waste in unnecessary warfare. The Commonwealth is a term strictly applicable to all republican States, and is strongly significant of the nature of their governments. They were not devised only that their citizens might be safe, but that they might be happy. Whatever man singly is incompetent to perform for his individual happiness, society was formed that it might be accomplished by united effort. Shall government, then, in practice, discard the only principle upon which it was based?

But that this Convention may not be misunderstood, and supposed to assail the doctrine that internal improvement within the States is not the proper province of the general government, they beg leave to suggest that this doctrine derives its support mainly from the position, that internal improvement within the limits of each particular State, if not its duty, is at least its own exclusive right. But it is contended by some that, altho' a State may of right undertake such works, yet it is inexpedient that she should do so. This the Convention respectfully thinks depends entirely upon the generality of their usefulness, their extent, and their unfitness for individual enterprize; and they conceive that the subject under consideration possesses all these attributes. It is assumed by some, but denied by the Convention, that works can be done more cheaply by companies than by the government. It is not denied that an individual can accomplish a work within his ability with more despatch, fidelity and economy than a number, because the action of one mind is more concentrated than that of a number, and a principal will always be more astute in matters affecting his own peculiar interest than any agent. But as to companies, they are subject to all the differences, divisions and distractions of opinion with a government, and in common with it must depend upon the skill and fidelity of agents; while, on the other hand, it is certain that government engaged in extensive public works can, from its superior wealth, means of information and influence, command persons of more established fame and higher attainments to manage its affairs, than any private company, however extensive; and, from its incalculably superior credit, can command resources upon better terms, and, from its illimitable wealth, is in less danger of ultimate failure in the success of its undertakings. But, after all, our application to the Legislature is to do for us what she can.

She can command the resources of the government; she cannot command individuals to subscribe to stock-companies. In the present state of the public mind she will be sustained in the one: she will do nothing for our relief by authorising the other.

The next question which arises is, whether the plan we propose is worthy of the patronage of the Legislature? We do not say that it is the best which could possibly have been proposed; but we do say that it is one calculated for great and general utility; that the people will receive it as commensurate to their great and imperious wants; and will sustain us in its recommendation, and you in its adoption. It has been our wish, in the spirit of republican legislation, to effect the greatest good to the greatest number; and if any portion of the State is omitted in our plan, it must be some portion that is not, in the nature of things, within the reach of direct assistance, and can therefore only be benefitted by the general prosperity. If it cannot slake its thirst where the fluid bubbles from the fountain, it can partake largely of the refreshing influence of the flowing stream. We believe that its execution will bring to the door, or place within the reach of the reasonable industry of every citizen of the State a cheap and easy intercourse with sufficient markets; and will refund to us the tribute which we have been paying to other States, by drawing to our markets the produce of some of our neighboring sisters. The Convention believes that, to the enlightened body they are addressing, it cannot be necessary to show the vast advantages which have ever redounded to a State from a proper system of internal improvement, or the necessity which now exists in North Carolina for its adoption. Her wasted fields, her deserted farms, her ruined towns, her departing sons, all reproach us with supine neglect. The immense tax which North Carolina now pays in the way of extra expense in transportation of the fruits of labor to market, and bringing back necessaries in return, are sufficient to palsy the arm of industry and weigh down the spirit of enterprize. By way of illustration, we will mention salt alone. Of this indispensible article, it is stated that the county of Iredell consumes, on an annual average, 5000 bushels. The ordinary cost of this article, in the Eastern markets, is 40 to 50 cents per bushel. It now costs, when it reaches the Iredell planter, 150 cents per bushel; making from 100 to 110 cents per bushel for transportation. It is supposed that this, by rail road, may be reduced to 25 cents. Thus shewing that, upon the article of salt alone, an annual tax, for want of convenient transportation, is levied upon one county of 3,750 dollars. Suppose, upon a moderate calculation, that there are 30 other portions of the State in a like situation; and we shew, by a simple process of arithmetic, exclusive of what is paid by other portions not mentioned, upon the same article, there is an annual draw-back, upon the labor of the State, of 112,500 dollars. Carry out the principle, and the mind would be overwhelmed with astonishment in the computation. It is said that the counties on the waters of Roanoke, Neuse and Tar pay, on transports, annually, by reason of their extra difficulties, 335,000 dollars. Upon this point, the Convention thinks it unnecessary to dwell.

Admitting the necessity and propriety of the works proposed, and the expediency of the State government undertaking them exclusively, it next becomes proper to inquire, what sum is necessary for their accomplishment, and can the State command it? Five millions of dollars, it will be seen, is the maximum sum required; and this, it is proposed, should be raised

by loan, in sums not exceeding one million annually. These sums are fixed upon as being extremes, because the Convention are not willing to practice any imposition upon themselves, the Legislature or the people. They must necessarily speak in round numbers, and they chose such as were rather likely to be over than under the amount; that the public mind, at the same time that it was called upon to contemplate the happy fruits of their proposed undertakings, might fully understand the difficulties to be encountered, and the price to be paid. That the correctness of the computation may be tested, the basis is furnished upon which it is made.

35 miles of rail road in the northern counties, at		$8,000 per mile,	$280,000
150	ditto	across the State,	1,200,000
365	ditto	from East to West,	2,920,000
Ship channel from Newbern to Beaufort,			600,000
			$5,000,000

The rate of cost per mile, for the first three items, is supposed to be excessive, and is founded upon the comparison of the rate of similar works in other States, although it is believed that in this State the rate would be less than in any other; while it is further supposed that by practice, experience, and the improvements for which the present day is so remarkable, the rate of cost of rail roads per mile is in a regular course of diminution. These items, however, must at last depend upon the surveys, reports and computations of experienced Engineers. The Convention believes that, upon the whole, their computations will be found to be sufficiently liberal to cover the actual cost. They can only say, that it is their wish to be correct, and they have taken some pains that they may be so.

You will next inquire, can the money be borrowed, and upon what terms? We are informed that in the city of London, alone, fifty millions are waiting the demands of a borrower, to say nothing of the other portions of Europe and the surplus capital of our own wealthy cities. As to the rate of loan, the committee, in their report, have undertaken to say that it may probably be obtained at four per cent., and can, in no event, exceed five, if proper measures are adopted to provide for the regular payment of the interest. But can this be done?

The Convention feels certain that the Legislature can and would do so by a proper system of taxation, should any accident create the exigency—a measure in which they would not only be fully sustained, but which would be imperiously called for by that high sense of justice which has ever characterized us as a people, and forced unwilling plaudits from those by whom we are least admired—a measure to sustain which, should it become necessary, each member of this Convention doth hereby pledge his sacred honor. But it is hoped and believed that it will not be necessary. The schedule annexed to the report of the committee, shows, in addition to uncertain items and the swamp lands, an aggregate available fund of 1,067,000 dollars, which it is advised should be set apart as a partial security to the proposed creditors of the State. This, by further reference to the report, it will be seen, in connexion with some certain annual items, will yield without infringing upon the principal, a sum more than sufficient to defray the annual interest upon the first million borrowed. That million, if judiciously expended, would probably, by the time the second million should be borrowed, yield an income which, if not sufficient of itself, would, with

the surplus of the annual product of the original fund, pay the amount of interest upon such second loan, and so on, *toties quoties*, as the loan might be required. But even if a less happy result should take place, and it should be necessary to make some small encroachment upon the principal of the original fund, it would take seven years and nearly one half to exhaust the fund now on hand, in the payment of interest, by borrowing one million annually, for five years, although no actual income should be drawn from any part of the works; and, in that time, if the money was not most stupidly expended, would not the gradual increase of the value of property along the lines afford a capital for taxation sufficient to discharge the debt? That increase on the route of the New York canal, is said to be $90,000,000, and on the South Carolina rail road, a sum sufficient to defray the whole cost of its construction. So that the Convention may confidently predict that the sum proposed may be safely borrowed at the proposed intervals, without the smallest fear of its being onerously felt by any citizen.

The repayment of the loan, the Convention conceives, may be postponed to a very distant period; as it seems that money lenders, where they are satisfied with the investments, make their terms more favorable in proportion to the length of time for which the payment is deferred.

The Convention would not recommend to the Legislature to borrow a large sum of money to spend in idle and unprofitable experiments; but it may not be improper to remark, that even if the works proposed should be entirely unproductive, the introduction of five millions of capital, to be spent within the State, could not be considered as a certain loss, and would not be altogether without advantage. And this brings to our notice another reason why the proposed loan should be preferred to drawing the money from the pockets of the citizens, either in the way of present taxation or subscriptions to stock companies. There is in North Carolina a scarcity of circulating medium, and it is, we believe, a subject of complaint before your honorable body at its present session. Is it, then, the part of sound policy to make further exactions from those who are already oppressed, or, by availing itself of the present occasion for its useful and safe application, by the introduction of a large circulating medium into the State, entirely to relieve the evils complained of?

Nor will the effect be temporary. It is not like chartering a bank, which issues its notes, and thereby creates a present abundance, to be followed by a correspondent famine, when it shall call them in; but the amount under consideration is added to the permanent wealth of the State. It is funded in a perennial stock, which not only remunerates the holder by a regular payment of interest, but also by a vast increase of the value of the real property of the State, and furnishing the materials for productive labor.

The stimulating effect which is wrought upon every species of industry, by the introduction of such great quantities of circulating medium into the country, would scarcely be less than magical. The price of labor would be wonderfully increased in the vicinity of any branch of the proposed works; lands would rise rapidly in value; and then ready markets would be found for large amounts of the more important articles of produce, as well as the smaller matters, which are the peculiar objects of female care and industry. Nor would this effect be confined to the immediate vicinity. Like the successively wide and wider circles which the falling pebble

causes in the agitated stream, the impulse would be communicated from neighborhood to neighborhood, until its vibrations would be felt in every corner of the State.

The deferred payment of the debt has been, by some, objected to, as an unjust imposition upon the succeeding generation. But who, it may be inquired, is to partake most largely of the benefit of the outlay? Surely the legatee to whom a rich inheritance is bequeathed, can have no just reason to complain that a mortgage is upon it for a tenth of its value. All that posterity can demand of us, and that it may well demand, is, that we should fairly improve the family inheritance; and it is not unreasonable that the inheritance itself should pay the expenses of the improvements.

The Convention are perfectly aware how much all men are creatures of habit, and that there is a startling association with infinity when they first begin to speak of millions; but there is a happy elasticity in the mind which enables it gradually to expand to the full and easy reception of the most extensive ideas. Let the people become acquainted with the vast advantages which an extensive system of internal improvement holds out to them, and the millions which it will take to produce these advantages will soon become familiar to their ears as household words. It is this capacity in the mind, together with its tendency to stretch itself to the full extent of the magnificent objects by which it is surrounded, upon which we found a strong argument in favor of our system. Its natural effect will be to set before the people the highest standards of arts, science and moral refinement, and they will instinctively elevate themselves to their enviable level.

The Convention would respectfully suggest to the Legislature that, in taking up this interesting subject, they should adopt the prudent course which both the committee and this Convention have found it necessary to pursue, and, while you adopt the general outlines of the plan, leave its details to be settled by an independent and disinterested board, to be raised by yourselves, under the light and instruction of proper engineers. The reasons for this course cannot fail to strike a body so intelligent as that which we address, and we will not weary your patience by pressing them upon you.

Gentlemen, we trust that your honorable body will act up to the crisis at which you have arrived; in fearless independence and noble liberality, meet the people half way in the generous spirit with which they approach you; seize the occasion which now presents itself to associate your names with one of the brightest eras in the history of your native State; and when, in future years, your sons shall point to the strong foundations of their country's wealth and glory, let them say, while their bosoms swell with filial pride, my father was one of that enlightened and independent Legislature, by whom they were laid. The Convention does not profess to be so far the agents of the people as to be able to act efficiently; but they may be well supposed to embody the wishes and opinions of a majority of the State, at least as great as forty-four is to twenty. With this claim to the attention of the Legislature, and pleading a cause which might well rely upon its intrinsic worth and deep importance for full investigation, this Convention, in behalf of the thousands of our citizens of the present day, of all sexes, ages and conditions, and the countless millions of unborn generations, and appealing to all the best principles and affec-

tions of your hearts, your sterling patriotism, your filial reverence, your fraternal regard, your conjugal tenderness, and, above all, your parental love, with manly confidence presents its memorial. That the God of our fathers may so direct your deliberations, as that they may be crowned with the most lasting and extensive benefits to your constituents, and the most unfading honor to yourselves, this Convention, as in duty bound, will ever pray.

DAVID L. SWAIN, *President.*

Read and signed by all the members of the Convention who voted in the affirmative.

JA. COOK,
E. L. WINSLOW, } *Secretaries.*

REPORT

OF THE

ADJUTANT GENERAL

OF

NORTH CAROLINA.

1833

RALEIGH:

Printed by Lawrence & Lemay,

Printers to the State.

1833.

REPORT.

ADJUTANT GENERAL'S OFFICE,
RALEIGH, 27TH NOVEMBER, 1833.

To the General Assembly of the State of North Carolina.

GENTLEMEN,

I have the honor to transmit sundry abstracts embracing all the objects in relation to the Militia required, by acts of the General Assembly, to be reported from this office annually, marked from A. to D. to wit:

Abstract exhibiting the organization of the Militia of the State, the strength of each Regiment, Brigade and Division, the description, number, and manner of distribution of the public arms in the several Counties of the State, A

Ditto of arms belonging to the State, B

Roster of General Officers, C

Delinquent officers, D

In obedience to an act of the last General Assembly, I have revised and cause to be printed and distributed, according to the directions of that act, the Militia laws of the State. In the performance of this duty, while the labor was small, the embarrassment was found to be great and perplexing in the extreme. The laws in force, and those which had been repealed, were so mixed up, that it was exceedingly difficult to separate the one from the other without either retaining such as should be omitted, or omitting such as should be retained. In many instances, not only in the same acts, but in clauses of acts, were found to exist parts repealed standing in connection with parts thereof in force.

My object in making allusion to the circumstances attending the performance of this duty, is that it might point to the necessity of an examination of the work with the view of supplying, by new enactments, any defects which may possibly exist arising out of the confused state of the laws under which they were consolidated. A copy, therefore, of the revisal is herewith submitted.

I am, very respectfully, Gentlemen,
Your obedient servant.
BEV. DANIEL,
Adj. Gen. Militia N. C.

(A)

ABSTRACT, exhibiting the organization of the Militia of North Carolina, the strength of each Regiment, Brigade and Division, the description, number, and manner of distribution of the public Arms in the several counties of the State.

No. of Division.	No. of Brigade.	Counties.	No. of Regiments.	No. of Infantry.	No. of Riflemen.	ARMS. Muskets.	ARMS. Shot Guns.	ARMS. Rifles.	PUBLIC ARMS. Muskets.	PUBLIC ARMS. Rifles.	PUBLIC ARMS. Non-commis'd officers' sw'ds.
		Currituck	1	789		197	385				
		Camden	2	749		62	454	7			
		Pasquotank	3	346			200		60		
		Perquimons	4	688		7	633				
	1		4	2572		266	1672	7	60		
		Bertie	9	645		46	516	1	64		
		Chowan	5	638					65		
		Gates	6	610			395				
		Hertford	10	585			350		100		
	18		4	2478		46	1261	1	229		
1			8	5050		312	2933	8	289		
		Bladen	41	617		18	406	37			
		Moore	44	708		42	87	357	65		
		Cumberland	33	700		158	206	135	130		
		"	34	404		17	120	136			
		Columbus	85	374	38	16	213	37			
		Sampson	32	943		19	658	33			
	4		6	3746	38	270	1690	735	195		
		Anson	53	720		4	334	139			
		"	54	708			280	357			
		Robeson	42	546			259	48	70		
		"	43	314	86	15	107	122			
		Richmond	51	471	47	20	241	144			
		"	93	616		19	227	94			
	14		6	3375	83	58	1448	904	70		
2			12	7121	121	328	3138	1639	265		

	Chatham	45	531		24	136	63			
	"	94	857		50	124	226	65	65	
	Orange	47	823		48			108		
	"	48	692		46	298	176			
	"	49	595		2	162	183			
	Randolph	55	433			39	297			
	"	56	887		100	93	307	65		
6		7	4818		270	852	1252	228	65	
	Caswell	59	1220		75	702	57	65		
	Granville	37	619		65	481		65		
	"	38	691			538		123		
	Person	50	799		45	298	56	65		
16		4	3329		185	2019	113	318		
3		11	8147		455	2871	1365	546		
	Rowan	63	1437	100	80	1020	100	80		
	"	64	652		245					
	Davidson	87	688		124		362			
	"	88	1749	68	27	116				
7		4	4526	168	476	1136	462	80		
	Lincoln	70	888	51	58			65		
	"	71	1458		15	215	668	65		
	Rutherford	76	605			57	263			
	"	77	855	76		400				
	"	78	543		6	70	200			
10		5	4349	127	79	742	1131	130		
	Mecklenburg	68	766			492	172	50		
	"	69	604		71	181	172	65		
	Cabarrus	62	814		7	277	268	64		
	Montgomery	60	513		137		253			
	"	61	579		46	196	252			
	Volunteers	96								
11		6	3276		261	1146	1117	179		
4		15	12151	295	816	3024	2710	389		
	Buncombe	82	521			49	328			
	"	83	1690		19	32	578	40		
	"	84	545		35		500			
	Haywood	86	672					60		
	Macon	90	1579		12	44	397			
19		5	4807		66	125	1803	100		

	Burke	79	729		28		368			
	"	80	461	57	10	15	881			
	"	81	483			14	400			
	"	92	268		5	4	194			
	Iredell	52	626		15	222	290	65		
	"	89	765	111		187	298			
15		6	3332	168	124	567	4234	105		
5		11	8139	168	190	692	6037	205		
	New Hanover	30	626		77	377	16	246		50
	Brunswick	39	455		90	291	32	90		
	Onslow	24	693		100	8				
	Duplin	31	920		4	444	21			
3		4	2694		271	1120	69	336		50
	Jones	25	390		10	224	7	3		
	Lenoir	26	463		85	276		85		
	Wayne	40	906		21	722	29			
	Johnston	28	785		69	325	84	65		
12		4	2544		185	1547	120	153		
6		8	5238		456	2667	189	589		50
	Edgecombe	20	635			440		57		
	"	21	556		39	387		99		
	Martin	13	673			468		65		
	Halifax	14	450			152		100		
	"	15	530	60				64		
	Northampton	16	928			500		80		
5		6	3772	60	39	1947		465		
	Nash	22	674		5	462	29	65		
	Warren	23	560					65		
	Wake	35	614		66	227	29	45		
	"	36	776		159	266	94	*141	80	18
	Franklin	29	786		16	499		65		
17		5	3410		246	1454	152	381	80	18
7		11	7182	60	285	3401	152	846	80	18

* 141 Muskets subject to the control of the Police of Raleigh.

		Carteret	17	892		152	642	3	64		
1		Craven	18	375		154	194		*200		
		Pitt	19	901		131	605		121		
		Greene	27	397			289	4	65		
	2		4	2565		437	1730	7	450		
		Washington	8	423		96			80		
		Beaufort	12	981		191	705		100		
		Hyde	11	552		80	380	6			
		Tyrrell	7	459		187		6			
	13		4	2415		554	1085	12	180		
8			8	5080		991	1815	19	630		
		Guilford	57	914		39	291	462			
		"	58	772	219	30	254	367			
		Rockingham	67	869			374	75			
		"	91	616		19	237	94			
		Stokes	65	479	189	279	39	224	140		
		"	66	733			339	165			
		Volunteers	96								
	8		7	4383	408	367	1534	1397	140		
		Ashe	46	929		75	200	640			
		Surry	72	815		38	112	259	65		
		"	73	843				145			
		Wilkes	74	645	110	15	92	436	65		65
		"	75	556			96	360			
	9		5	3788	110	128	500	1849	130		
9			12	8171	518	495	2034	3246	270		65
			96	68388	1162	4326	22575	15368	9271	1840	824

* Control of the Police of Newbern.

CAVALRY.

	No. of Companies.	No. of Brigade to which attached.	No. of commissioned Officers.	Total commission'd, non-commission'd Officers, Musicians and Privates.	Arms & Accoutrements.			Arms belonging to the State.	
					Swords.	Horseman's Pistols.	Bugles & Trumpets.	Horseman's Pistols.	Sabres.
	2	5	12	188	12			200	100
	3	8	15	169	169	92	6	92	
	8	11	43	300	177	170	8	100	50
	2	12	10	76			2	180	90
Total,	15	36	80	733	358	262	16	572	240

ARTILLERY.

	No. of Companies.	Total commissioned Officers.	Total commission'd, non-commission'd Officers, Musicians and Privates.	Ordnance and Accoutrements.									Arms belonging to the State.	
				4 pound'r Cannon	6 pound'r Cannon	Sponges & Rammers.	Ladles and Worms.	Bricoles.	Trail Handspikes.	Lead Aprons.	Ammunition Boxes.	Sets of Harness.	Muskets.	Horseman's Pistols.
Fayetteville Corps,	3	19	164		2	4	4	4	2	2	4	3	89	
State Guards,	1	6	50	1									100	50
Total,	4	25	214	1	2	4	4	4	2	2	4	3	189	50

RECAPITULATION.

Infantry,	66,279
Riflemen,	1,162
Cavalry,	733
Artillery,	214
Total,	68,388

(B)

ARMS BELONGING TO THE STATE, 1833.

Places of Location.	Muskets	Rifles	Horse-man's Pistols.	Sa-bres	Noncom. Officers' Swords.	Musket accou-trem'ts	Rifle ac coutre-ments.	6 Pound-der Iron.
Fort Johnson	3200	1500			500	3310	1504	4
Arsenal at Fayette-ville	1608	205			191		1774	
In hands of the Mili-tia according to re-turns	4029	145	761	290	133			
Not accounted for in returns, viz.								
Pasquotank				50				
Sampson			92					
Rowan			100	50				
New Hanover			80	90				
Duplin			100	50				
Nash				50				
Warren			100	50				
Gates			100	50				
Police at Fayetteville	203							
do. at Raleigh	141							
Arsenal at Raleigh	86							
Total,	9271	1840	1333	680	824	3310	3278	4

(C)

ROSTER OF GENERAL OFFICERS.

Order Rank.	Names.	No. of Division or Brigade.	Dates of Commission.
	MAJOR GENERALS.	Division.	
1	Duncan M'Donald	1	27th December, 1820
2	James M'Kay	2	21st do 1822
3	M. T. Hawkins	7	15th do 1828
4	Thomas G. Polk	4	17th do 1829
5	Nathan Whitfield	6	7th January, 1831
6	John J. Pasteur	8	December, 1832
7	D. Newland	5	do 1832
8	Vacant	3	
9	"	9	
	BRIGADIER GENERALS.	Brigades.	
1	Richard T. Brownrigg	18	28th December, 1818
2	William Gregory	1	30th do 1823
3	Thomas Norman	16	8th do 1827
4	Alfred Dockery	14	10th do 1827
5	Louis D. Wilson	5	27th do 1827
6	William H. Kerr	7	29th do 1827
7	Henry W. Ayer	4	29th do 1827
8	George Hoover	6	7th January, 1830
9	Nicholas Washington	12	30th December, 1830
10	Joseph Arrington	17	30th do 1830
11	William Allen	11	1st January, 1831
12	Alney Burgin	15	2nd do 1831
13	Joseph Winston	8	December, 1831
14	Samuel F. Patterson	9	do 1831
15	Montesque Campbell	3	January, 1832
16	Edmund Bryan	10	
17	Wyatt Moye	2	
18	Vacant	13	
19	"	19	

(D)

DELINQUENT OFFICERS, 183.

In returns to the Adjutant General.

Major	General of the	2nd	Division.
do		5th	do
do		8th	do
Brigadier	General of the	3rd	Brigade.
Colonel	of the	5th	Regiment.
do	do	7th	do
do	do	8th	do
do	do	23rd	do
do	do	24th	do
do	do	70th	do
do	do	77th	do
do	Volunteers	96th	do

In returns to the Major Generals.

Brigadier	General of the	3rd	Brigade.
do		5th	do
do		17th	do

In returns to the Brigadier Generals.

Colonel	of the	36th	Regiment.
do	do	47th	do
do	do	70th	do
do	do	77th	do
do	Volunteers	95th	do

In reviews.

Major	General of the	1st	Division.
Brigadier	General of the	1st	Brigade.
do		18th	do

REPORT

OF THE

COMMITTEE ON FINANCE.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1838.

REPORT.

In obedience to the several acts prescribing the duties of the committee of Finance, the committee have carefully examined the condition and statement of the deposits made in the several Banks by the Public Treasurer; have counted $245, silver change, and counted and burnt $9,978 22 of Treasury notes found in the Treasury Office.

The books of the State Bank at Raleigh show a balance due to the Public Treasurer 1st November, 1833,	$80,678 47
Ditto Bank of Newbern ditto,	66,358 59
The certificate of the cashier of the Bank of Cape Fear at Fayetteville shows a balance due from that Bank to the Public Treasurer on same day,	19,044 35
Total amount in the several Banks, 1st Nov. 1833,	$166,281 41
Silver change found in Treasury office,	245 00
	$166,526 41

Amount due to the Literary fund,	$117,024 81¼	
Do fund for Internal Improvement,	979 08¼	
Balance of appropriation for rebuilding State House unexpended on 1st Nov. 1833,	17,970 00	
		135,973 90
Total amount of unappropriated funds in the Treasury on the 1st day of November, 1833,		30,552 51

Should the dividends on the stock owned by the State in the State Bank and the Bank of Newbern, together with the receipts from various other sources, be insufficient to meet the demands on the Treasury, the Literary Fund, which now lies idle and unproductive, may supply the deficiency.

The demands on the Public Treasury during the current year may be estimated as follows:

For the Legislature,	$40,000	
Judiciary,	23,000	
Executive Department,	2,500	
Treasury do.	2,000	
Comptroller's do.	1,000	
Secretary of State,	1,200	
Public Printer,	900	
Pensioners,	900	
Redemption of Treasury notes,	8,000	
Contingencies and sundries,	7,500	
		$87,000 00

To which must be added the amount of any additional appropriation which may be made for rebuilding the State House.

The act of 1825 to create a fund for the establishment of common schools, appropriated to the Literary Fund the revenue derived from various sources, without providing by any additional taxes for the deficiency which this appropriation would cause in the public funds. The emission of Treasury notes directed by the act of 1823, prevented any immediate deficiency in the public Treasury; but since 1827 the State has paid $117,063 38 for redemption of Treasury notes, which, together with the current expenses of the government, has for several years past, rendered a resort to the Literary fund necessary to meet the demands on the Public Treasury.

To provide for this deficiency, without encroaching on the Literary fund, the committee propose to submit, in a future report, some plan to increase the revenue, so as to make it sufficient to meet the ordinary demands on the Treasury.

The Comptroller's Statement and the Report from the Public Treasurer exhibit the whole fiscal operations of the past year in sufficient detail, without any additional explanation from the committee.

The Public Treasurer's books and accounts were all found to be accurate and well kept; the monthly settlements to have been duly made; and all the duties of the office appear to have been discharged in a manner highly creditable to that officer, and beneficial to the public interest. The press of business in the Csmptroller's Office, owing to an unusual number of land entries, and the time necessary to transfer accounts to a new set of books, occasioned some little delay in posting up the books of that office; but they are now nearly completed, and the vouchers and accounts in that office were all found to be correct.

All which is respectfully submitted.

JAMES WYCHE, Chairman.

REPORT

OF THE

BOARD FOR INTERNAL IMPROVEMENTS.

1833.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1833.

To the General Assembly of the State of North Carolina:

GENTLEMEN,

In compliance with the Act of Assembly, passed in 1819, "to create a fund for internal improvements, and to establish a board for the management thereof," I have the honor to transmit to you the Report of the Board for Internal Improvements, for the present year.

I am, Gentlemen,

With high consideration,

Your obedient servant,

DAVID L. SWAIN.

Executive Department, 4th Dec. 1838.

REPORT.

To the General Assembly of North Carolina.

GENTLEMEN,

By the act creating the Board for Internal Improvements, it is made their duty to report to the General Assembly annually, "the exact state of the fund for Internal Improvements; the progress, condition and nett income of all the public works under the direction of the Board; the surveys, plans and estimated expense of such new works as they may recommend; and such other information, in relation to the objects committed to their trust, as they may collect, and may be calculated to advance the general improvement of the State."

In obedience to the requisitions of this act, the Board for Internal Improvements respectfully REPORT:

I. That the fund for Internal Improvements consists, at present, of $932 19, cash in the Public Treasury (as per account A;) of $32,034 67½, principal money due upon bonds for Cherokee lands, exclusive of interest; and of such portion of the money which has been received, or may hereafter be received, on account of the judgment obtained by the State against the late John Haywood, Esquire, as the Legislature may determine in adjusting the claims of the Public Treasury, the Internal Improvement Fund and the Literary Fund.

II. The progress, condition and nett income of the various Public Works in this State.

From the Catawba, Yadkin, Neuse, and Tar River Navigation Companies, no reports have been received. It may well be doubted whether the franchises granted to them have not been forfeited; and as it may be important to the prosecution of other enterprizes, to remove any difficulties that might arise from their supposed existence, the Board submit to the Legislature the propriety of directing the Superintendent of Public Works to ascertain from the original corporators, whether they are willing to surrender their charters; and should they decline to do so, to direct the Attorney General to adopt such measures as may be necessary to ascertain whether the franchises have been forfeited or continue to exist.

The accompanying Reports, marked B, C, D, contain full and satisfactory information with regard to the condition of the *Cape Fear and Roanoke Navigation Companies*, and the *Clubfoot and Harlows Creek Canal Company* respectively. E and F are the Reports of the *Buncombe Turnpike Company* and the *Swannanoa Turnpike Company*. The paper marked B 2, is an interesting account of the operations on the Cape Fear river below Wilmington, under the direction of the State and of the United States, from the commencement of the work, in 1822, to the present time; which has been politely submitted, at the request of the Board, by Hinton James, Esquire. The only corporation supposed to have a legal existence, from which no report has been received, is the *Plymouth and Pungo Turnpike Company*.

The corporations from which dividends have at any time accrued to the Public Treasury, upon their capital stock, are the following:

The *Roanoke Navigation Company*, in 1831, declared a dividend of one and three-fourths per cent., and in 1833, a dividend of one and three fourths per cent.; making an aggregate of three and a half per cent.

The *Cape Fear Navigation Company* from 4th July, 1819, to the present period, (1833,) has declared ten dividends, amounting, in the aggregate, to forty-five per cent.

The *Buncombe Turnpike Road* was completed in October, 1828, and in October, 1833, the aggregate amount of dividends declared by the company was thirty-nine and a half per cent.; in addition to which cash remained at the latter date, in the hands of their Treasurer, over and above the debts of the corporation, equal to a dividend of three per cent. on the capital stock.

The whole expenditure of the State, for internal improvements, appears to have been as follows:

Inland navigation from 1817 to 1821,			$11,855 55
ENGINEERING & SURVEYING.			
Hamilton Fulton, to session of General Assembly 1827,		$29,861 00	
R. H. B. Brazier, do		8,629 92	
Surveying Swamp Lands do		3,367 69	
Do do since do		455 75	
Alanson Nash do do		1,663 91	
R. H. B. Brazier, survey Buncombe Turnpike Road,		442 65	
Survey for Central Rail Road, 1832,		3,575 28	
Do Cape Fear and Yadkin do do		3,447 18	
			51,453 38
Expenses of Board for Internal Improvements, to the session of General Assembly, 1827,		5,037 45	
Ditto since do		1,216 12	
			6,253 57
Contingent expenses to the session of 1827,		1,154 26	
Do since do		372 86	
			1,527 12
ROADS.			
Cherokee Road, by act of 1819,		4,000 00	
Hickory Nut Gap Road, by act of 1823,	$2,452 00		
Do 1829,	1,200 00		
		3,652 00	
Road from Woody's to Tennessee line, by act of 1820,	1,500 00		
Do 1821,	1,000 00		
		2,500 00	
Deep Gap Road, by act of 1820,	1,500 00		
Do 1821,	774 50		
		2,274 50	
Road from Laurel Hill to Wilkesboro', by act 1822,		225 50	
Swannanoa Road, by act of 1820,		1,500 00	
Road from Jefferson to Tennessee line, by act 1824,		300 00	
Road from Huntsville to Virginia line, by act 1826,		500 00	
Road from Wilkesboro' to Mrs. Bogle's, by act 1824,	$500 00		
by resolution 1825,	200 00		
		700 00	

Road from Columbia, by Gum Neck & Frying Pan, by act of 1825,		800 00	
			16,452 00
Advanced for Old Fort Road on loan, by act of 1829,		2,000 00	
Do Tennessee River Turnpike, by act of 1831,		2,000 00	
			4,000 00
100 Shares in Buncombe Turnpike Road,		5,000 00	
100 Do Plymouth do		2,500 00	
			7,500 00
CANALS.			
25 Shares in Clubfoot and Harlow's Creek Canal Company, by act of 1818,		2,500 00	
50 do do by act of 1821,		5,000 00	
75 do do by act of 1824,		7,500 00	
*150		15,000 00	
Advanced on loan, by act of 1826-'7,		12,000 00	
Do do by act 1828,		6,000 00	
			33,000 00
RIVERS.			
250 Shares Yadkin River N. C. by act 1816,		25,000 00	
80 do Tar River, do by act 1816, 8,000 dolls. of which the State has paid		1,200 00	
60 do Neuse River do. by act of 1816, 6,000 dolls. of which the State has paid		1,800 00	
60 do North Carolina Catawba Company, by act of 1816, of which the State has paid		2,400 00	
250 do Roanoke N. C. by act of 1815,	25,000 00		
250 do do do 1823,	25,000 00		
		50,000 00	
150 do Cape Fear N. C. by act 1815,	15,000 00		
500 do do do 1823,	25,000 00		
		40,000 00	
			120,400 00
Appropriated to Broad River, by act of 1820,		5,000 00	
Deduct amount applied to Hickory-nut Gap Road, by act of 1823,		2,452 00	
		2,548 00	
Appropriated to Cape Fear river, below Wilmington, by act of 1822,	20,000 00		
Ditto 1825,	6,000 00		

*By an act of 1823, the Board for Internal Improvements was directed to subscribe for 50 shares on certain conditions. This subscription appears not to have been made.

Ditto	1826,	5,000 00		
Ditto	1827,	6,232 00		
Ditto	1828,	2,498 16		
			39,730 16	
Ditto to Lumber river, by act of 1822,			427 20	
				42,705 36
Total amount expended,				$295,146 98

Of these expenditures,

Inland navigation from 1817 to 1821,	$11,855 55
Engineering and surveying,	51,453 38
Expenses of the Board,	6,253 57
Contingent expenses,	1,527 12
Making a total of	$71,089 62

This may be regarded as the price of procuring information relative to the topography of our State, and of collecting information with respect to canals, roads and improvement of rivers. This information will be valuable or not, according to the use we make of it. If nothing more is done for the improvement of the State, a great portion of it may be considered as useless; but should any system of general improvement be undertaken, either by the State or by inviduals, then this expenditure will appear to have been properly made.

The amount appropriated to opening roads,	$16,452
Subscribed for road stock,	7,500
Lent to road commissioners,	4,000
Making a total of	27,952

has been clearly beneficial to the interest of that part of the community intended to be benefitted thereby. The 33,000 dollars expended on Clubfoot and Harlows Creek Canal has been productive of some benefit, and may be of more hereafter; but at present may be regarded as an expenditure of doubtful expediency.

The expenditure on Yadkin River,		$25,000
Ditto	Tar do	1,200
Ditto	Neuse do	1,800
Ditto	Catawba do	2,400
Ditto	Broad do	2,548
Ditto	Lumber do	427 20
Part of first subscription to the Cape Fear,		10,000
Making a total of		$43,375 20

may be considered at present as a total loss; but should the improvement of these rivers be again attempted, some of the works, or a part of them, may be found valuable.

The expenditure on Roanoke River,	$50,000
on Cape Fear River below Wilmington,	39,730
Balance of Cape Fear Navigation Company Stock,	30,000
Making a total of	$119,730

appears to have been profitably expended. Stock in the Cape Fear and Roanoke Navigation companies, it is true, does not sell at par value in ma

el; but that is not a proper test of the value to the State of any public work: because purchasers of stock look exclusively to dividends. If tolls be low, dividends will be low, and stocks will consequently be low in market. But the farmer's interest would be affected in an opposite manner. High tolls would lessen the price of his produce, but increase the profits of the stockholder; while low tolls would enhance the price of his produce, and lessen the stockholder's profits.

The true test of the value to the State of any public work, *is the amount which may be saved* in the expenses of transportation from the place of production to the place of consumption. As, for example, suppose the cost of transporting a barrel of flour to be one dollar, and a company, by improving a river, were to reduce the cost of transportation to forty cents, and exact a toll of ten cents for each barrel—in this case, the farmer would save fifty cents and the company receive ten cents for every barrel. If twenty thousand barrels should be annually transported, then the farmers would save ten thousand dollars, and the company would receive two thousand dollars for tolls. If the work cost fifty thousand dollars, the company would receive only 4 per cent. on their stock, while the community would save twenty per cent. on the amount expended by the company.

When attention was first called to the improvement of our internal condition, by a distinguished son of North Carolina, the public mind was seized and carried away by an amiable enthusiasm on a subject which promised happy results—our citizens and the Legislature were disposed to contribute freely to accomplish objects important to the prosperity of the State, and beneficial to the individual contributors. But, unfortunately for the success of our attempts, we had no experience to guide our efforts or to limit our expectations within proper bounds. Excited to action by the brilliant success of similar attempts elsewhere, and the splendid results which were anticipated from the accomplishment of the projected improvements, many were undertaken without due examination. In some instances, a wild spirit of speculation, which was generated by the circumstances of the times, diverted the funds from a proper direction; and the attempt in other instances to gratify local feelings and interests, by commencing operations at many different points, rendered the whole utterly useless, because none could be completed. These and other circumstances contributed to disappoint expectations, perhaps too sanguine, and produced doubts of the success of any attempts at internal improvement in our State. The Legislature, apparently unwilling wholly to give up the long cherished idea of improving the State, and yet fearful to embark in any public work of magnitude, has retained the Board and continued the fund for internal improvement, without providing the means or directing the undertaking of any new work, or the more vigorous prosecution of any which had been already commenced.

III. Plans and estimated expense of new works recommended by the Board.

The Board are aware of the increased interest the subject of internal improvements has awakened in every section of the State, and of the great responsibility it imposes upon them. The partial failure of the plans hitherto devised, admonishes them of the necessity of giving to every scheme suggested thorough examination, and requiring the clearest evidence of its practicability and usefulness, before it is recommended to public patronage.

Another unsuccessful attempt to improve our condition, will leave the community in a state of deeper lethargy than that from which we have but recently been aroused.

The causes which rendered former efforts abortive must be avoided.—These have been already briefly adverted to, and are too obvious to require much illustration. The history of all our disappointments can be comprised within narrow limits. In 1815, (see Report of the committee on Internal Improvements, Journals of the Senate, p. 22,) the first systematic attempt was made by the Legislature to improve the inlets on our coast, to remove the obstructions to the navigation of our principal rivers, and to cut the necessary canals. To effect these great objects for a State extending over an area of 32,000,000 of acres, and containing a population of 600,000 souls, an annual appropriation of 40,000 dollars for a few years seems to have been the only expenditure contemplated from the Public Treasury. The science of engineering was at that time little understood, and no individual could be obtained competent to direct our operations. The politicians who devised the plans, undertook the execution of the work, and with a fund not larger than some of our citizens have employed profitably upon their own farms, improvements were commenced simultaneously at the sources of all the principal rivers in the State. This system was persevered in until, as may be seen by an examination of the preceding table, about 50,000 dollars were lost to the Treasury. The public, disappointed by the results of the expenditure, became discouraged, and improvement was abandoned.

The great error was, in attempting to effect every projected improvement in the State at the same time, with a fund barely sufficient to the accomplishment of the least difficult of the whole. It is scarcely necessary to remark, that this policy was the suggestion of narrow views, local prejudices and sectional jealousies. If we hope to accomplish any thing worthy of the State and ourselves, all such motives must be dismissed. The Board cherish the hope that the period has arrived, when the citizens of North Carolina are prepared to adopt a liberal system of legislation; and, acting upon this expectation, they have determined to submit a plan of improvement, which, if prosecuted with spirit, must, in their opinion, effect an important change in the character and condition of the State.

The Board concur with the Governor in the opinion expressed to the General Assembly, in his message at the commencement of the session, "that the great channels of intercommunication in which the whole community is interested, and which, for that reason, will not probably attract, and are least likely to be effected by, individual enterprize, demand the exclusive attention and patronage of the Government. That with respect to improvements of a local character, the safest, and perhaps the wisest course, for the Legislature to pursue, will be to incorporate companies in every section of the State where they may be necessary, and to subscribe for a uniform portion of stock in each, on the condition that no part of the public subscription shall be demanded until the private stockholders shall have paid, or secured the payment of their subscriptions."

The two most important objects to be attained by any system of improvements, is, first, a good outlet to the ocean, and, secondly, in connection with this outlet, a line of rail road, which may be best calculated to attract to it the produce of the largest portion of our territory.

It is a singular circumstance, that North Carolina, with a wider sea coast

than any State in the Union, and the fifth State in extent of territory and in population, has less commerce and fewer important towns than any of her Atlantic sisters. This is owing entirely to the want of a good inlet at a proper point upon our coast. The effect which it has produced upon the prosperity of the State and the character of its citizens is apparent. There is in the State no commercial metropolis at which the interest of the community requires them to meet, and hence they are strangers to each other. The citizens of the west are familiar with the laws, the institutions, the politics and the towns of Tennessee, of South Carolina and Georgia. A few of them have visited New York and other eastern cities; but the individual is rare who possesses any accurate information with respect to Wilmington or Newbern. On our north-eastern border, Virginia is much more extensively known to our citizens than the State which should be the great object of their affections; and on the south, an extensive intercourse with Augusta, Savannah and Charleston, transfers to these towns the attachments which should centre at home. He, who was wiser than man, has said, that "where our treasure is there will our hearts be also." No one, who reflects for a moment on these facts, can be at a loss to discover the source of the sectional feelings and jealousies, which have so long distracted our public councils, and retarded our prosperity.

The difficulties under which the citizens of the north-eastern section of the State labour, for want of a good inlet, have been so fully explained in the previous reports of the Board, that a mere reference to them will answer the present purpose. A committee of intelligent gentlemen, representing the towns of Newbern, Washington, Plymouth, Edenton, Murfreesborough, Hertford and Elizabeth City, who were appointed to memorialize the Legislature in 1827, united in the following representation on this subject:

"Your memorialists believe that the annual exports of the products of our country through Ocracock, are not over-rated when estimated at five millions of dollars, requiring for their transportation and actually employing two hundred thousand tons of shipping. They find, from calculations carefully made and compared, that the charge on these vessels for lighterage and detention at the Swash, averages one dollar per ton, and amounts annually to two hundred thousand dollars; that the additional rate of insurance, because of the risk and detention at the Swash, averages three quarters of one per cent. and amounts, on the exports and imports, to seventy-five thousand dollars, and, on the vessels, to sixty thousand dollars per annum. This annual tax of three hundred and thirty-five thousand dollars upon the navigation of our section of the country, independently of the minor evils, the vexations and difficulties which will be readily perceived, cannot but enhance the rate of freight or the cost of conveyance to market. The price of freight from Norfolk and Wilmington (the latter but one hundred and twenty miles distant from Occacock) to the West Indies, is from twenty to twenty-five per cent. less than from the ports dependent on Occacock Inlet; which difference on bulky articles, such as lumber, staves and shingles, amounts to between thirty and forty per cent. of their original value. The freight and charges on articles shipped coastwise for re-shipment to their places of consumption, amount, on naval stores, to twenty-five per cent., on cotton, to between ten and fifteen per cent., and on staves, to fifty per cent. of their original value.

"As all the ordinary charges of conveyance to market, though paid by the merchants, actually and ultimately fall upon the producers, the farmers and

laborers of the country, the effects of this enhanced freight are at once discerned, upon a comparison of the price of the products of North Carolina industry in the ports dependent on Occacock, and those where the costs of detention and perils of lighterage are not to be encountered.

"While, at Suffolk, in Virginia, pipe staves command forty dollars per thousand, at Murfreesborough, Winton and Windsor, they are sold at twenty five dollars. Red oak staves, which, at Washington, Newbern and Edenton, can scarcely command ten dollars per thousand, usually sell at Wilmington for eighteen and twenty.

"The enhanced freight necessarily occasions also an exceedingly heavy tax to the consumer on all articles imported through Occacock. Let but a single instance be mentioned in illustration of this fact. The article of salt in the Occacock ports sells for at least ten cents in the bushel above the price at Wilmington; which alone is a tax of ten thousand dollars a year upon those who are obliged to obtain their supplies of salt at the former places."

The evil having been pointed out, it remains for the Board to suggest and the Legislature to provide the remedy. The plan by which this enormous tax upon the production of the country is to be removed, and the interest and feelings of our citizens to be united, has been with us the subject of deep solicitude and much reflection.

Of the comparative propriety of attempting to re-open Roanoke inlet, the Board do not deem it necessary to express an opinion. Such a work is entirely national in its character, and has been withdrawn from their jurisdiction and referred to the Congress of the United States by the resolutions adopted three years since by the General Assembly. They propose to direct the attention of the Legislature to an improvement designed to effect the same object, which was first suggested by Mr. Gallatin in 1807, and which seems to have been a favorite project with that great statesman. A survey was made under his direction of a part of the route, anterior to the publication of his celebrated report on inland navigation, but no copy of the plot is in the possession of the Board. The remainder of the route was surveyed, and the practicability of the work ascertained by Messrs. Price & Clemmons in 1818. A survey of the same section was made under the direction of Mr. Fulton in 1822, who concurred in the opinions expressed by Messrs. Price & Clemmons.

The Board submit to the Legislature the propriety of connecting Beaufort harbour with the waters of Neuse river, by a ship channel, and then extending this channel by a cut, as direct as may be, to Roanoke river at or near Plymouth; and by a cut from the north side of Albemarle sound at Edenton, to the point where the feeder enters the Dismal Swamp canal, so as to open a direct communication for vessels drawing eight feet water from Norfolk to Beaufort.

For a minute description of the country through which this canal would pass, the particular character of the soil to be excavated, and of the streams by which the water is to be supplied, the Board beg leave to refer to the Reports of Mr. Gallatin, Messrs. Price & Clemmons and Mr. Fulton. All these reports concur in representing the work as practicable; and Mr. Gallatin evidently regards it as presenting much less difficulty, in proportion to the distance, than either the Delaware and Raritan or Delaware and Chesapeake Canals; the former of which is nearly, and the latter entirely completed by the respective States in which they are situated. In the course of the next spring, it is stated that the Delaware and Raritan Canal will be finished,

and a direct inland navigation consequently be opened from Stonington, Connecticut, to Elizabeth City, in North Carolina. If the enterprize now recommended shall be accomplished in a reasonable time, Mr. Gallatin may yet live to see the magnificent scheme, which he regarded as essential to the defence and commercial prosperity of the country, realized—an inland navigation from Maine to Georgia. If a canal fifty feet in width and eight feet water shall be excavated, so as to afford a direct communication between Beaufort and Norfolk, what will be the effect upon the condition of North Carolina and of the Union? All the produce from the shores of Albemarle sound, from the valleys of the Chowan, Cashie, Roanoke, Tar & Neuse rivers, estimated to be of the value of five millions of dollars annually, would find its way into it. That which was intended for the south would reach the sea at Old Topsail inlet, or stop at Newbern or Beaufort. The latter is known to be the best harbour & seaport on our coast; and from its proximity to the Southern and West India market, must at once become an important commercial town. The produce, on the other hand, intended for the north, would either go up the Chesapeake and inland to Philadelphia, or out to sea at the capes of Virginia, or seek a market at Norfolk, now the finest seaport, and which, supported by such a trade, would soon become one of the largest cities in the Union. By this channel of communication our coasting vessels and all others drawing eight feet water, would be relieved from the hazardous and difficult navigation around Cape Hatteras and Cape Lookout, the most dangerous points known to our navigators, and where it is believed more vessels have been wrecked than on the whole coast of the United States besides.

Nor would the advantages of this navigation be confined to the coasting trade. A farmer descending any one of the rivers connected with this channel might continue on in his own boat either to Beaufort or Norfolk, dispose of his produce without the intervention of a commission merchant, purchase his own supplies, and return with equal ease in the way he came.

An improvement of this character would contribute much to make us one people. Wilmington, Beaufort, Newbern, Washington, Plymouth, Edenton, Hertford and Elizabeth City would be drawn nearer together. The produce of the West would be brought down by rail roads and improved river navigation, and find its way to the ocean or be concentrated at Beaufort and Norfolk.

In addition to the facilities this canal would open to commerce, it would have the effect of reclaiming a large body of Swamp lands, which would be soon brought into cultivation and rendered productive. That which is now a howling wilderness, the abode of wild beasts and venomous reptiles, would become a fertile and highly cultivated country, and this great highway of trade exhibit upon its borders a succession of fruitful fields and flourishing villages, the reward of our enterprize and liberality.

These are some of the advantages likely to result to our own State. Let us now consider in what manner the interest of the Union would be affected by the accomplishment of such a work. An inland navigation would be opened from Connecticut to Georgia, with the exception of a short run, through a safe sea from Beaufort to Charleston. If the channel be completed and the tolls made light, the whole coasting trade of the United States will pass through it, to avoid the dangerous navigation around cape Hatteras. And if the banks of the canal be constructed to admit of steam navigation at the rate of ten or twelve miles an hour, all the travelling from north to south and south to north, for nine months of the year, will be by this route.

The General Government has been at great expense in constructing a navy yard at Norfolk, supposed to be superior to any in the Union—the port of Norfolk offering, perhaps, the best possible situation for such a work. It is of great importance that this yard should be well supplied, and upon reasonable terms. This canal would open to Norfolk a country abounding in almost inexhaustible forests of the finest pine and oak timber, and furnishing adequate supplies of naval stores. The live oak timber of the south might be transported by this route, immediately to the yard, with the greatest economy and despatch. These are some of the advantages in times of peace; in war, this inland communication would be invaluable, and might be maintained in defiance of the fleets of our enemies. Should the Chesapeake be blockaded by a superior squadron, our fleets and men of war could at any time receive at Beaufort, through these canals, any supplies they might require from the navy yard at Norfolk. Merchantmen might send their cargoes to the interior, and receive return cargoes by the same channel. The existence of such a work would give to North Carolina a distinction and consideration in the Union, of which her sons might well be proud. It would more than obviate the difficulty occasioned by the closing up of Roanoke inlet, since instead of one we would have easy access to two of the best seaports on our coast.

From any point upon the canal, rail roads might be constructed to the interior of the State. The precise location of such roads can be properly determined when the necessary surveys and estimates shall have been made. An able communication upon the subject has been submitted to the Board, by Mr. Sullivan, a civil engineer, formerly of Boston, but now a resident in New York. The boldness, originality and apparent practicability of his plan, will arrest the attention of the Legislature. His opinions have been submitted to an engineer, second in reputation to no member of the profession in that State, who has given them the sanction of his hearty concurrence. They will be stated without further prefatory remarks and with little change of his argument or forms of expression.

"The Blue Ridge being within the boundary line of this State, and its limits comprehending the head waters and valleys of the Tennessee, we hold the key of communication with the valley of the Mississippi. To compare distances, suppose a *line* of location for the rail road, which seems to comprehend the most beneficial effects to the State, intercepting transportation by the rivers, as far south as possible, in order to include the whole of the *southern counties* within its influence; and by *branches, all to the north-west of the base line of the system.*

"This passage would be direct between Newbern and New York. It is well known that the cheapest freighting is by large vessels. As time enters so constantly into mercantile calculations, that steam power can be afforded and is principally used on the Hudson, to command regularity and despatch. The step in improvement from steam tow boats to steam coasters, will be easy and natural, since the late further discoveries of *coal*, both bituminous and anthracite, in Pennsylvania, has made the use of it sufficiently economical for the steam engine in navigation.

"To show the great probability of this result, or effect of the rail road, we may compare with it the distances and expense by the most employed routes now open. Let us take New York as the place of departure, and the Mississippi, at the confluence of the Ohio, as that to be reached.—

From New York to Albany is 155 miles; thence to lake Erie 363; to Cleveland 160; through the Ohio canal 307; to Cincinnati 103; to Louisville 150; to the Mississippi 450; together 1938—of which 1105 is free navigation and 833 paying toll. From New York to Newbern is, by sea, 460 miles. The following distances and route are assumed to be the most probable location of the rail road:

		460	the sea passage.
Newbern to Fayetteville,	100		
to Rockingham,	50		
to the Yadkin,	10		
to Charlotte,	60		
to the Catawba,	15		
to Broad River,	30		
to the Blue Ridge,	40		
across the Ridge	10		
to Asheville,	10		
to the State line,	30		
		355	North Carolina Rail Road, and perhaps somewhat more by reason of the curves.
To Knoxville,	60		
to Kingston,	40		
to Nashville,	100		
		200	Tennessee Road.
By the Cumberland to the Ohio,	160		
To the Mississippi at the confluence,	48		
		208	
		1223	Of which 670 is free navigation, and 553 tolled.

This deducted from 1938, shows a difference of 715 miles in favor of the North Carolina and Tennessee route, over that of Ohio. Besides which, this route reaches the navigable head of the Tennessee in 875 miles from New York, of which two-thirds is free. This will be the cheapest route to Alabama. The Tennessee is navigable above the Muscle shoals 600 miles, and each shore may be considered a rich agricultural and mineral country. The nearest market to this part of Tennessee will be the cities of North Carolina. The expense of freight by these two routes may be also compared. It is stated in a recent publication, that it costs, to get a ton of merchandize carried from New York to Louisville by the lake and canals, $2 75 per cwt. (or 55 dollars per ton,) and that it requires 21 days. Freight from New York to Newbern, if in proportion to that across the Atlantic, would be 3 dollars; but in the ratio of the freight by steam boats on the Hudson, it would be 6 dollars: and as carrying on rail roads can be profitably afforded for two cents a ton a mile, this would be to Knoxville $8 30, and to Nashville 30 dollars—making $17 50 to that city, which is, besides, nearer to the great river than Louisville. And as the Cumberland runs over a limestone bed, it might be easily improved for a low water navigation, by locks submerged and out of the way when the water is deep enough. But the Ohio cannot be. Its shoals are of sand.

"The general considerations which strongly recommend the North Carolina route, are, that during five months the northern canals are closed by

ice; that of Pennsylvania four months; that of the Potomac three months; and the Ohio is generally frozen for some months. Besides that, it is too low for navigation two months of the summer almost every year. But North Carolina is in that medium of *climate* as well as *geographical* relation to the west, that permits of uninterrupted commercial intercourse through the State. Nor is there any thing in the nature of a rivalry to be apprehended from the Virginia improvements. The Chesapeake and Ohio Canal has so great an ascent, as in effect to increase the distance considerably. The rise westward is 2486 feet, and the descent to Pittsburg 1686 feet—whole lockage 4172 feet. The James river route rises, in 241 miles, 2478 feet, and descends to the Ohio in 222-463 miles, 1997 feet.

"Moreover, we know from the Baltimore surveys, that the ground along the great Kenhawa is exceedingly difficult, and it is most likely that this work, if ever undertaken, will incline to the north to Covington and descend the valley of the Greenbrier. West Virginia is entitled to the accommodation; but, having the Ohio navigation, is not, like east Tennessee, in *distress* for access to market. Indeed, the Baltimore surveys show that the high valleys of Virginia watered by the branches of the James, must principally furnish the business of the route along that stream, as the country on the Roanoke must for that; while the next geographical division to the South Carolina and Georgia line, naturally falls in with the system of internal improvement contemplated by North Carolina; whose western frontier includes the head waters of the Tennessee: so that, if the State resolves on having this road, the business of the extensive valleys watered by the Holstein and the Clinch, would be more likely to descend with the current to Kingston and Knoxville, and export eastward by the rail road, than ascend and go north to the James river route, considerably circuitous.

"If we also consider the elevation: from Newbern to the foot of the Blue Ridge is stated to be a rise of 1200 feet; which, if the location of the road be *gradual*, as I suppose it can be on the *southern location* indicated, is only four feet in a mile.

"Since, then, there is nothing to fear from Virginia as a rival; so, on the other hand, there is nothing to apprehend from South Carolina. For, not including in her boundaries the head waters of the Tennessee, she has, after improving her rivers, already turned her enterprize to the increase of commerce at her capital; and it is more likely that rail roads will ramify among the fertile counties of Georgia, than that, at her expense, one, at great cost, will be made over the mountains to aggrandize Charleston.

"The domestic trade of North Carolina will indeed, (like the interior of Georgia, of New York and of Pennsylvania,) be alone a sufficient object for this main line of rail road, as the base of a system of branches up every valley to the north-west from it, and into every productive district between the rivers; but it is a great encouragement and warrant for the work, that a little west of the line of the State lies this very valuable part of east Tennossee—rich in iron, coal, salt and gypsum, articles in the greatest demand, and the latter wanting to give fertility to the alluvial lands of the eastern counties, as Pennsylvania receives her supply of it from the State of New York. The fine bearing lands of New Hampshire were in this way made fertile, receiving *plaster* by her canals.

"Our agriculturalists cannot now afford to sell cotton, at Charleston, at as low prices as the planters of South Carolina can. There is wanting to

both the cheapness of conveyance incident to rail roads, and proximity of port, to balance the advantages of the fertile West; and it is fortunate that geographical relations will give to North Carolina the ability to open a cheap route to the West, from which the accessions of toll from the transit trade may so increase the aggregate of income, as to make the home toll low, and yet enhance the value of the road, as a property, so much that, instead of being an expense, it will be a profit to the State.

"If it gives 12 per cent. nett increase, the State gains a sum equal to its cost, and additional to the rise of property consequent on the accommodation. Therefore it is fortunate for North Carolina that the Blue Ridge summit is within her boundaries; because it gives to us, as the most interested party, the command of the communication.

"Rail roads can in no part of our country be made at so little cost per mile as in this State. Most of the materials are on the spot, and labor is cheap; but the manner of building ought not to be slight. A rail road may be rough in appearance, if its stability and accuracy permit of safe speed; and if the top surface under the iron is made hard, to resist the weight of loads, by means of nails driven evenly for the rails to pressjon, the wood is defended, and about half the iron, as now commonly used, may be saved.

"It appears, from the facts stated, that North Carolina evidently holds, unrivalled, the best ground of communication with much of the west and all the south west. And it seems clear that, after the place and manner of passing the Blue Ridge is decided on, and an outlet secured to the ocean, the rest is easy.

"The surveys so early begun in North Carolina, have ascertained many essential facts, though they have not extended the entire line here suggested. This plan would not interfere with the proposed rail road from Wilmington to Raleigh; for the crossing each other would be, in effect, to give all the interior the choice of both markets, and make the intercourse between the four principal cities, though a little circuitous, short in point of time."

If the road so forcibly recommended by Mr. Sullivan be constructed, or any road, commencing at a point accessible to sea vessels, and terminating at the Tennessee line, the next great object to be accomplished will be the intersection of the State, by rail road communication, from north to south. This should commence at some point on the Roanoke, where it might be connected with the Petersburg and Portsmouth rail roads, and, crossing the navigable rivers of the State above the falls, extend to the South Carolina boundary. It is apparent that the State must be intersected from east to west and from north to south; because our rivers do not, in their natural state, afford an inland navigation; nor can the obstructions be easily removed by canals or other works of art. The Roanoke, Tar, Neuse, Cape Fear, Yadkin and Catawba, are, in truth, magnificent rivers. The bare enumeration of them may well excite an honest throb of State pride. Their volume of waters and their fertile and picturesque banks, may move the admiration of any, and must knit the affections of a North Carolinian to his native land. It is, nevertheless, to be confessed that, in their natural state, they have stronger claims to beauty than usefulness. There are very few rivers any where that do not afford better navigation. Not to mention other obstacles, (of which there are too many,) none of our rivers are navigable over, and some of them not up to the great granite for-

mation dividing the upper from the alluvial country, and extending across the State from north east to south west, about 150 miles from, and parallel to the ocean. The Yadkin and Catawba, passing into South Carolina, are both obstructed by the granite ridge—the latter not until after it has entered that State. This ridge intersects the first four rivers nearly at right angles, and makes rapids and falls, which totally obstruct the passage of boats. Thus is our transportation between the upper and low country cut off. Above the falls, most of the rivers are, in their natural state, susceptible, for some distance, of good navigation. If, then, the State is intersected by rail roads, in the manner proposed, these roads will be base lines, and receive the produce which may descend the rivers to the falls, or be transported on lateral roads. To illustrate this idea more clearly, suppose the proposed roads completed; a planter who should set out from the Tennessee line, would continue on the road recommended by Mr. Sullivan to the Cape Fear. He might then stop at Fayetteville, descend the river to Wilmington, pursue the road to Beaufort, or, taking the northern route from Fayetteville, proceed to the Roanoke, and thence, by rail road or water communication, reach Petersburg or Norfolk. The latter road would be important, not only as facilitating the transportation of produce, but the travelling from north to south, and east to west, would afford that species of profit which is ordinarily of great value; and the daily mail would be transported upon it, through the State. It may well be doubted whether any work, which claims our attention, would, at an earlier period, repay the investment necessary for its construction.

The canal and these two great lines of rail road communication, would, in the opinion of the Board, form the proper basis for a great system of improvement, and would, of themselves, accommodate the leading interests of the State. Such lateral roads as might be necessary, would, from time to time, be constructed, by individual enterprize, with or without the aid of the Public Treasury.

It has already been stated, as the opinion of the Board, that no general system of improvement can be effected, in North Carolina, by incorporated companies. In old and wealthy communites, individual capital may be commanded for such objects. The internal condition of England and Scotland has been improved in this way. No intelligent writer, however, it is believed, has expressed a doubt that, even in those countries, plans of much more extensive usefulness might have been devised and executed by the Government. Individuals make improvements without any regard to the situation of any section of the country, other than that in which they are immediately interested. Hence it has frequently happened, that particular works constructed without any reference to a general plan, have been rendered entirely useless by the ultimate selection of a more extensive and judicious location for a road or canal. Numerous instances in both these countries exemplify the correctness of this remark. Immense expenditures of capital upon works, subsequently rendered useless, by the success of greater and rival interprizes, have returned no profits to the stockholders, and subtracted greatly from the national wealth. If we expect to escape their evils, we must avoid their errors. The great outlines which, in the nature of things, are not likely to attract, or be compassed by individual effort, should be marked out by the Legislature, effected by the public treasure, and be exclusively under public control. Such has been the system, adopted by New York, Pennsylvania and Ohio.

and is the only system that can succeed here. Who believes that the great Erie Canal would have been cut in a century to come by individual enterprize? Who can now assign limits to the improvements which may be hereafter effected by that great State? If we proceed with less, but not small resources, with like spirit and on the same system, we, too, may do something for the honor of human nature, and give to North Carolina a name among the nations of the earth.

It remains only to consider what sum is necessary to effect the improvements recommended, and in what manner it can be procured. Upon this subject, the Board have no disposition to deceive themselves or others. They do not hope to prosecute extensive plans of improvement without expense. It is the very condition of our existence, applicable to nations as to individuals, that no good thing is to be purchased but by a sacrifice of our ease or of our wealth. It is useless to expect to improve, unless we are willing to incur the cost. The Board have endeavored to form estimates as accurate as in their power, and to put them rather above than below the truth. If $20,000 per mile be taken as the average cost of canalling in the manner proposed, it will require a million and a half of dollars to cut the section of channel in North Carolina, which will be necessary to connect Beaufort with Norfolk; the distance having been ascertained by survey to be 75 miles. If rail roads can be constructed in this State at the average rate of $8,000 per mile, five hundred and sixty-two miles of road may be built for four millions and a half of dollars. The sum necessary then to the completion of the canal and the two rail roads, is six millions of dollars. The State can certainly be intersected in the manner recommended by a less extent of rail road than that assumed, and the expense per mile is put down at a greater sum than such works have cost on an average, in either Virginia or South Carolina.

Six millions of dollars, if it were necessary to raise it at once, with a view to its expenditure in a war, either of invasion or defence, is a sum that would shock the timid, and might well startle the prudent. At the most gloomy period of the revolution, however, when our population was but a fourth what it is now, and our resources and capital out of all proportion less, a debt of four times six millions was in a single year incurred in the defence of our liberties. Inspirited by this illustrious example, we can certainly venture to incur a debt equal to one fourth of the expenditures of our ancestors in a single campaign, to make those liberties available. The statesmen of those days called on the people to expend not only their millions of treasure, but to pour out their blood, to establish a free and independent government. The people responded nobly to the call;—both people and leaders did well;—and shall not we, their descendants, build on the foundations they have laid? They have given to us the first of all earthly blessings, religious and political freedom;—shall not we do something for ourselves and posterity, by removing the obstacles that nature has placed in our way to wealth? If not for the sake of wealth itself—for the fruits of wealth and of free institutions—for acquisitions in the useful and fine arts—for attainments in literature and science;—to raise us to distinction as a moral and intellectual, as a religious and a refined people. These are glorious visions; but glorious as they are, the blessings they promise us may be ours, & at a cost insignificant in comparison with what was paid for our liberty alone. And without these, what avails it that we fear no tyrant, if we

and our posterity are to be bent down under the pressure of poverty and ignorance? It is indeed well that our ancestors have, at a mighty cost of life and money, secured our persons and property from the grasp of arbitrary power—that they purchased for us perfect freedom of thought and action. But to what end are we free, unless we are thereby the more able to provide for our physical and moral improvement—to become more rich, enlightened and happy? That as we have set an example to other nations in government, so we may also take the lead in the arts and virtues of civilization. All that is desirable to us as a people may be attained at an expense of a few millions; and we need only pay the interest during our time, and leave the debt to go with the inheritance. Is there any descendant of those who paid with such prodigality for our liberties, of so poor a spirit as to be unwilling to pay for the many blessings that are to be fruits of their liberties properly cultivated?

The annexed statement exhibits a schedule of the resources of the State. By an examination of it, it will be seen that one of the items consists of Bank stock, estimated at half a million of dollars. If this sum be profitably invested, and the annual income of the Literary Fund, in accordance with the suggestion of the Executive message, be appropriated to this purpose, the two sources will produce an accumulation quite sufficient to pay the interest of the first million borrowed. If it should not, no very burthensome increase of the rate of taxation would produce an ample fund on which to borrow all that can be necessary for improvement. A million would be as large an amount as could be profitably expended during the first year after the loan was obtained. If the most productive section of the general plan be first completed, we may reasonably calculate that the tolls which will accrue will go far to pay the interest upon the second loan; and the same scheme of operation may thus be continued, until the entire plan of improvement shall be accomplished.

If, from the adoption of this system, it shall become necessary to increase the rate of State taxation, the expenditure of the principal sum borrowed, among the community, as a reward of useful and profitable labor, will enable them to pay the interest, in addition to the rate now levied, with much more convenience than they meet the existing exactions.

A scheme of this kind would, in the opinion of the Board, ensure the prosperity, and advance the character of the State; and they therefore earnestly recommend it to the favorable consideration of the General Assembly.

Respectfully submitted.

DAVID L. SWAIN, *President.*

Raleigh, Dec. 4, 1833.

SCHEDULE

Of Stocks and other property belonging to the State of North Carolina.

I. PRODUCTIVE FUND.

Estimated value of bank stock,		$500,000 00
Cash in the hands of the Public Treasurer belonging to the Literary Fund,		117,024 81½
Amount due on bonds for Cherokee lands, exclusive of interest,		32 034 00
		$649,058 81½
Roanoke navigation stock, cost,	$50,000 00	
Cape Fear do do	32,000 00	
Buncombe Turnpike Company do do	5,500 00	
Clubfoot & Harlow's Creek Canal do do	32,500 00	
Plymouth Turnpike Company do do	2,500 00	
Loan to the Swannanoa Turnpike Company,	2 000 00	
Do. " , Tennessee River do	2,000 00	
	$126,500 00	

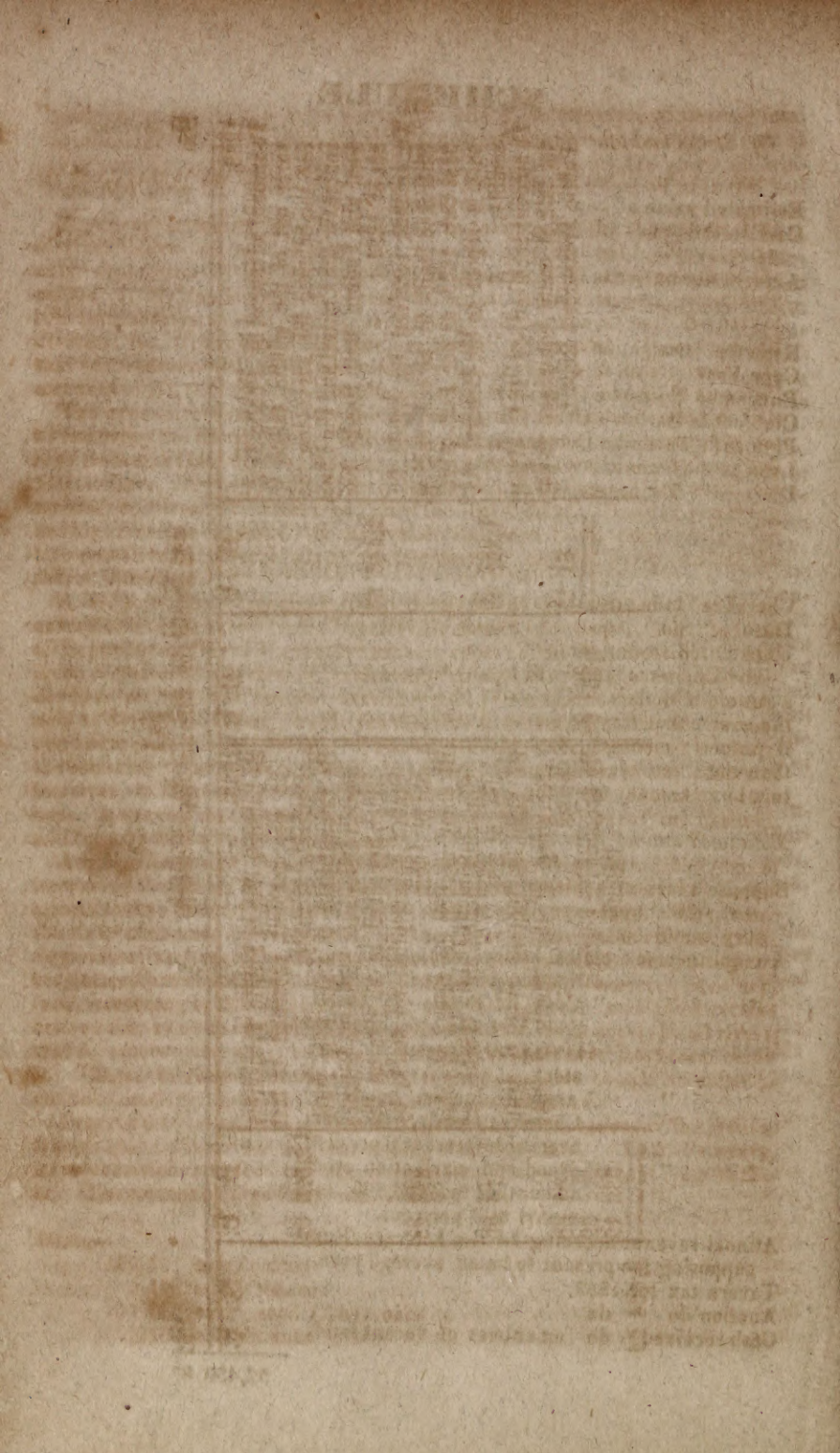
II. UNPRODUCTIVE PROPERTY.

Cherokee lands unsold, to which the title has been extinguished.
Ditto do do to which the title has not been extinguished.
Unpatented swamp lands.

The Cherokee lands will at any time command in market more than half a million of dollars. The value of the swamp lands depends entirely upon the course that may be pursued with respect to them: It is believed that, if properly managed, they will bring into the Treasury a much larger sum than the Cherokee lands. The State has, in addition to these lands, a claim to a large amount upon the General Government.

Estimated annual Revenue, which may be applied to the payment of the interest on the first loan of a million of dollars.

Suppose a loan of a million of dollars to be obtained, at 5 per cent., the annual expenditure to be met by the Public Treasury would be		$50,000 00
Annual income from bank stock, $500,000 00, estimated at 6 per cent.	$30,000 00	
" " " Cash in Public Treasury, $117,024 81½, required by law to be invested in bank stock,	7,021 48	
" " " amount due on bonds for Cherokee lands, $32,034, bearing interest at 6 per cent.	1,922 04	
" " " Road and navigation stock, amounting to $126,500, estimated at 3 per cent.	3,795 00	
Annual revenue accruing to the Literary Fund, supposing the present to be an average year.		
Tavern tax for 1833,	2,737 28	
Auction do do	675 64	
Cash received do on entries of vacant land,	6,279 43	
	52,430 87	



(A)

Dr. *The Board for Internal Improvement,* Cr.

1833.	D. C.	D. C.	1833.	D. C.	D. C.
To amount advanced by Public Treasurer out of the public funds, to pay the balance for surveying the routes for the Central and the Cape Fear and Yadkin Rail Roads, per act of 1831, - - -	2,546 34		By balance due to Public Treasurer, as per account returned to last General Assembly, - -	2,079 62	
To amount received for bonds for Cherokee lands in the year ending 31st Oct. 1833, as per Pub. Treasurer's report to the General Assembly, - - - -	1,397 48		By amount paid to Cape Fear Navigation Company, being the balance which appeared to be due on the State's subscription for stock, by act of 1823, - - -	896 25	
To amount received of J. T. C. Wiatt for sale of camp equipage, as per Public Treasurer's Report,	61 13		By compensation to James Wyche, Superintendent Pnblic Works, 25 days at $3, - - -	75 00	
		4,004 95	By compensation to Wm. R. Hill, secretary of the Board, 7 days at $3 - - - -	21 00	
			By account for postage, -	89	
			Balance, - - -	932 19	
					4,004 95

(B)

REPORT

Of the Agent of the Cape Fear Navigation Company to the Board for Internal Improvements.

A general statement of the accounts, as balanced at the annual meeting of stockholders, on the 31st May last, is herewith submitted. For a particular explanation of the *stock* account, the amount of expenditures, and the amount of dividends declared, I refer to the last Annual Report, presuming it is unnecessary to swell this Report by transcribing the items. No part of dividend No. 10 has been paid, nor has it been advertised. It is expected that the treasurer will be in funds to pay it in January or February next. It amounts to $1,790 39, and is included in the item of "dividends unpaid."

The expenditures on the river below, during the past summer and this fall, in removing the obstructions which were carried into the boat channel by the high freshets of last winter and spring, have been considerable—not less than 1500 dollars. A gang of hands were employed in this work for about six months, and were not discharged until the 4th instant. Besides removing the logs from the channel, the navigation has been much improved by the late operations at several places, particularly at the *Old Ferry*, and at the *falls at Elizabeth*.

A. G. Keen, Esq. (accompanied by the agent of the company) made an examination of the river, from Fayetteville down to tide water, about the last of September. He will probably make a report of his examination. Mr. Keen recommends a system of improving the *sand shoals* by jettees; and, under his direction, the company have erected a jettee across one of the channels at Spring Hill Shoal; but it yet remains to be seen whether any permanent advantage will be gained. The only effect, so far, has been to *widen* the remaining channel by washing away part of the sand bar in the centre of the river, without any, or very little, gain in depth, in the channel. It is hoped, however, that the first freshet will drive the sand out of the channel, and thereby effect a real improvement.

At a late meeting of the Board of Directors, they considered the plan of improving the shoals by jettees as of such doubtful utility, that they determined for the present to suspend all experiments of that kind. They were the more confirmed in their views by the effect of the jettee erected at the Sugar Loaf last year, there being now very good water in the passage by the jettee; but a shoal has formed just below it, which now requires one, (and, according to Mr. Keen's plans,) two more jettees; and the directors believe this to be the uniform result with regard to sand shoals in all rivers; that is, remove one shoal by jettees, and another will invariably form below it. They, therefore, concluded that their operations should hereafter be confined, mainly, to removing logs from the boat channel.

I regret that it is not in my power to give a correct account of the articles transported on the river the year ending 31st May last. Until February, no returns were received from the proprietors of the steam boat John Walker. The returns obtained were as follows:

Down—

12,181	bales cotton
410	hhds. tobacco
1,978	casks seed *(7 bus. each)*
9,280	barrels flour

33 barrels spirits
12,602 bushels wheat
$359 35 freight on other articles not enumerated.

Up—

44,930 bushels salt
2,114 hhds. and pipes
3,205 barrels
252 tierces
194 tons iron
2,247 casks lime
$11,655 70 freight on articles not enumerated, tolls estimated at 10 per cent.

If the returns were complete, they would probably show an addition of about 20 per cent. to the above statement. Hereafter, it is expected that there will be no irregularity in the returns.

The river above Fayetteville has been under the charge of Mr. Keen, who, I expect, will report on the state of the works.*

Respectfully submitted.

GEO. M'NEILL, *Agent*
C. F. Nav. Co.

Fayetteville, Nov. 8, 1833.

*No report from Mr. K. has been received.

A general statement of the accounts of the Cape Fear Navigation Company.

COMPANY, Dr.		D.	C.
To capital stock,		92,862	50
To profit & loss (including reduction of stock)		57,501	73
To Town of Haywood,		9,727	45
To dividend fund,		15,956	91
To dividends unpaid, (including No. 10)		4,786	67
To tolls on river,		3,993	94
To interest account,		192	71
To sundry individuals, viz.			
Thos. Brown,	$47 50		
Wm. H. Hill,	7 50		
Jos. Minter,	8 75		
John Brown,	2 50		
Hugh Waddell,	5 00		
		71	25
		185,093	16

COMPANY, Cr.			D.	C.
By canal at and near Fayetteville,			59,208	00
By canal and works near Buckhorn,			44,028	25
By Cape Fear river below Fayetteville,	30,032 75			
By ditto expended under direction of Board Internal Improv'ts,	12,143 13			
			42,175	88
By Cape Fear river, above Fayetteville, expended under direction of Board Internal Improvements,			10,585	09
*By State of North Carolina, balance on subscription of 500 shares stock in 1823,			2,271	78
By real estate,			9,813	41
By bonds, notes and judgments,			7,372	71
By open accounts,			7,846	04
By contingent expenses,			400	26
By county order,			159	10
By salary account,			500	00
By cash on hand			732	64
			185,093	16

Fayetteville, Nov. 8, 1833.

GEO. M'NEILL, *Treas.*

*Since the books of the company were balanced, there has been received $896 25, and the president of the company has been appointed to confer with the Board, and bring the account to a final settlement. G. M'N.

(B 2)

LETTER

From Hinton James, Esq. describing the operations on the Cape Fear river from 1822 to the present time.

WILMINGTON, Nov. 11, 1833.

SIR,

In compliance with the request which you were pleased to make, during your visit to this town, that I would furnish you with an account of the progress of the works on the Cape Fear river below Wilmington, from their commencement to the present time, I hasten to commit to paper all that my memory retains on this interesting subject.

Mr. Hamilton Fulton, the State Engineer, entered on his operations for the improvement of the Cape Fear river, in May, 1823; and under his directions, two embankments and one jettee were built; one of which embankments closes the passage between Clark's and Eagles' island, and was intended, by Mr. Fulton, to throw the water which runs through that passage into one channel. This passage was, at that time, the principal one used in navigating the river. The piling for this embankment, was driven from 15 to 19 feet into the bed of the river, and was completed in the following September.

There were, at that time, [1823,] 22 feet of water, in this passage, at low tide. The embankment stands firm; and, at low tide, the mud between the point of Clark's and that of Eagles' island, is now, [1833,] bare to the view. Such has been the accumulation of mud, and such will be its accumulation, in this river, wherever an eddy can be produced.

Early in October of this year, [1823,] the contractors employed by Mr. Fulton set about building the jettee above referred to, beginning on the western bank of the river, opposite the plantation of Marsden Campbell, Esq. and extending 2,000 feet out into the river. This jettee was completed in May, 1824, and was the only one built by Mr. Fulton.

In April, 1824, the contractors commenced building the embankment also referred to above, to stop the passage between Campbell's island and the western bank of the river, for the purpose of throwing all the water into one channel, as was done at Clark's island. This passage was, at that time, the principal one for vessels navigating the river. The piling for this embankment was not completed until May, 1825: the filling it up with mud, was not finished until Nov. 1825. It should be borne in mind, however, that though there was a great depth of water in the channels bebetween Clark's and Eagles' island and Campbell's, or Big Island, and the main, yet there are shoals, between these points, which obstructed, in a great degree, the free navigation of the river.

In the winter of 1826 and '27, the piling of this embankment began to wash up, and continued to do so very rapidly, until a breach of 300 feet was made in it. The piling of the embankment was also much eaten by the worms; still it would have resisted the water and answered all the purposes of an embankment, several years longer than it did, had it not been for the unfortunate breach, at the extremity, where it joined Campbell's island.

When this embankment was made, there was, at low tide, 19 feet water. Previous to its giving way, the sediment had so collected, that the depth of water, between the point of the island and the western bank

of the river, at low tide, was only 3½ feet. Such was the accumulation in that short period! This alluvion still remains, although not more than one sixth part of the embankment is standing; but it is supported by the lower western jettee, built by Capt. Blaney's order.

In 1823, Mr. Fulton had a machine made, that he called a Bear. It was a gumlog, 2 feet in diameter and 20 feet long. It had 9 rows of iron shovels drove into it, extending regularly round the log, and in each end a large iron gudgeon, in all attaching to this log 2,300 lbs. of iron. It was to be used by a steam boat, dragging it across the Bulk head-shoal, to stir up the earth, that the current might wash it off more rapidly. After various trials, it was found not to answer the purpose, and was therefore abandoned.

Mr. Fulton being convinced, as he told me, that neither the Bear, nor the increased rapidity of the current, produced by the embankments and jettees, wore away the shoals, as fast as he had expected, in 1825, procured a dredging machine, attached to a low pressure engine of eight horse power. Such was his anxiety to get this dredging machine into operation, that he did not wait to have a boat constructed, but purchased a schooner, (one of the condemned vessels that had formed a part of Commodore Porter's flying squadron in the West Indies,) in which he fitted up the engine and machinery. On trial, she was found too small; and the engine and machinery were taken out and put into a warehouse. This delayed the operation of the dredging machine until January, 1827.

Mr. Fulton's engagements with North Carolina terminated with the year 1825.

In 1826, General Dudley, as a member of the Board for Internal Improvements, had a boat built; and he also had, early in 1826, a jettee, at Reedy Point, constructed on a plan of Mr. Fulton's. The same year, he had a superintendent and a set of hands employed in removing the logs and stumps from the Middle Shoal, where the channel now is.

These were all the works done for the improvement of the navigation of the Cape Fear river, below Wilmington, during the year 1826.

In this part of my letter, it is well to mention an accumulation similar to those alluvions, which I have already noticed, as formed between Clark's and Eagles' island, and between Campbell's island and the main. Below Reedy Point jettee, for nearly a mile, the water at low tide is little more than 2 feet; and 100 yards is bare to the view, at low tide. For a considerable distance, above and below this dry shoal, the water is only a few inches deep. Below each jettee, the mud is continually depositing, and shoals are forming. Hence I infer, that when the jettees give way, the mass of water will be confined to the same channels, by those shoals, as they now are by the jettees.

In January, 1827, the dredging machine procured by Mr. Fulton, and fitted up by General Dudley, was put into operation, and continued so, under the direction of the Board for Internal Improvements of the State of North Carolina, until July 1, 1829. During this period, her operations were confined principally to the Bulk-head shoal. This shoal was an entire bed of sand; and, in the direction that the channel was ordered to be opened by the Board for Internal Improvements of the State, extended about 1,500 feet in length, and was from 3½ to 4 feet deep. In excavating this shoal, there was found, from 5 to 6 feet below the then surface, a quantity of stone-ballast, one junk bottle, (perfect,) 1 jug, (perfect,) many

fragments of bottles, and sundry other articles, such as parts of cups and saucers, brickbats, &c. &c. These particulars are, to my mind, strong evidences that this shoal was formed since the settlement of the country, and that it was increased considerably by vessels throwing ballast into the river. The first site fixed upon for a town, and where business was transacted, was a little below this shoal. It was quite convenient for vessels to run up the river 1½ miles; and get clear of their ballast, previous to taking in cargoes; and, at that early day, it is probable, there were no regulations for protecting the navigation of the Cape Fear river, then known by the name of Clarendon.

Mr. Nash, an Engineer recommended by that great man De Wit Clinton, was engaged by Governor Burton this year, [1827.] He visited the works on the river several times between this year and the close of 1828, when his engagements terminated with North Carolina.

In 1827, in pursuance of an act of the Congress of the United States, Major Bache, then Capt. Bache, of the topographical engineers, assisted by Lieutenants Wragg and Boyce, made a survey of the Cape Fear river, laid down a plan for improving the navigation, and made an estimate of the cost. In this plan, they sustained the plans of Mr. Fulton, and recommended 7 additional jettees, making in the whole 9. One of these they recommended to be built at Reedy Point, leaving the eastern bank at the same point, with the jettee built by General Dudley, on Mr. Fulton's plan, only running more at right angles with the bank of the river than that, which had somewhat of a diagonal direction down the river.

On the first of July, 1829, Governor Owen, as President of the Board for Internal Improvements, accompanied by Mr. Gales, the Secretary, came to Wilmington, and delivered the dredging boat, as a loan to the General Government, to Capt. George Blaney, of the corps of engineers, who was designated by the Chief Engineer of the United States, to superintend the works for the improvement of the navigation of the river. Capt. Blaney continued the operations of the boat until November, 1830; when the boiler of the engine became so corroded by the salt water, that it was hazarding the lives of the laborers to continue her at work any longer. She was then laid up, and was, with all her materials, flats, &c. &c. delivered, in 1832, to the Governor of North Carolina.

In January, 1830, Capt. Blaney commenced, at Reedy Point, jetteeing the river on Major Bache's plan. This work pregressed rapidly, 4 jettees being built and the 5th in considerable forwardness, until early in August, 1830, when there occurrred a most tremendous gale, beginning early on Monday, and continuing until 3 o'clock on the Tuesday morning following. Daylight on that morning, presented the distressing spectacle of the dredging boat lying in the swamp, on the western side of the river, entirely above high water, having parted all her cables during the gale, and, about 2 o'clock in the morning, having gone ashore. Every foot of the 6000 feet of jetteeing which had been completed, was entirely destroyed.

After 15 days labor, the dredging boat was got off and again set in operation. The materials of the jettees were so injured and scattered, that it was equivalent to a total loss. The building of the jettees were recommenced immediately, and have resisted the violence of every gale that has blown since.

There has been a difficulty in making a part of the jettee on the west side of the river (opposite Old Town, now Mr. Cowan's farm,) stand; and

a like difficulty in respect to the jettee on the east side, nearly opposite Old Town. This difficulty arises from two causes: the first is, that the jettees pass, in part, through a sandy foundation; the second, that the river is so confined at these points, that the current produced is at least equal to that at the bar of the river. From these two causes, a good deal of the planking has been washed up. To stop this, Capt. Blaney has ordered stone to be thrown alongside the jettees.

At this time, there are six of the jettees built which were recommended by Major Bache. There are three more yet to be built.

The dredging boats have worked only on the Bulk-head and Middle shoals. These were, unquestionably, the shallowest. There is a third shoal, called the Wreck Shoal. This, at the time the operations on the river were commenced, was considered a very small obstacle to the navigation, the other shoals then being so much greater; but, at this time, the Wreck Shoal is the greatest obstacle, the Bulk-head and Middle Shoals having such an increased depth of water on them. Great, however, as is the obstacle, there is on the Wreck Shoal 8 feet at low tide.

On the Bulk-head Shoal, at the lowest state of the tide, there are 8 feet 6 inches.

The average rise of the tide on this shoal, is 4 feet, making an average high water of 12 feet 6 inches.

On the Middle Shoal, at the lowest state of the tide, there are 8 feet 3 inches.

The average rise of the tide here is 4 feet, making the average high water at least 12 feet across the three shoals.

Now there are facts, which have a most important bearing on the foregoing specifications, and which ought to be noted here, to wit: The average depth at the Main Bar, at high water, is, I believe, 15½ feet. The average depth at low water, is 9½ feet. It is important too, to keep in mind, that the New Inlet Bar is washing wider, by which a greater quantity of water passes there now, than formerly; and, of course, the extra quantity which is vented at the New Inlet, has the effect of diminishing the quantity which formerly flowed over the Main Bar.

In July, 1831, a dredging boat, prepared in conformity with the order of Capt. Blaney, came to anchor on the Bulk-head Shoal, and began to work. This boat is very superior to the one prepared by Mr. Fulton. She will move on an average 300 cubic yards per day; the average work of the one prepared by Mr. Fulton, was 100 cubic yards.

The dredging boat is now [1833] at work on the Middle Shoal. This shoal was, no doubt, at some remote period, a heavily timbered swamp. The evidences of this fact are, that stumps, roots, cypress knees, and every kind of vegetable matter common to the swamps in this part of the country, are excavated by the dredging machine from it; and they are so thick and close, as to retard, in a very great degree, the operations of the machine. In working on this shoal, we have broken three main shafts, the refitting of each of which has occasioned a considerable interruption in our progress.

I have thus presented to the view of your Excellency, a correct outline of the course pursued in working the river below Wilmington. Having lost all my papers in the storm of August, 1830, above referred to, more copious or accurate details are not in my power. I cannot, however, conceive that such details would tend to fortify the reasoning or to augment the zeal of the advocates for improving the navigation of the Cape Fear river.

The facts which I have stated in this letter, are all of them indubitable. Some of them are susceptible of demonstration, by trials and experiments. Indubitable, however, as they are, there are other facts which confirm them. I will mention these briefly:

In 1823, '24, '25, '26, there were a number of lighters, sometimes called pettiaugres, in Wilmington. Now, the demand for them has so declined, that there are two only in the place. Vessels of the same, or greater burthen, now load at the wharves, that formerly employed lighters to transport the produce below the shoals, to complete their cargoes.

In 1823, '24, '25, '26, it was no uncommon occurrence to see 8 or 10 vessels lying on the shoals at the same time, endeavoring to navigate the river; and it can be proved, by testimony of the highest respectability, that at one time 17 up-river bound vessels were seen lying on the shoals! A vessel got up for a packet between Wilmington and N. York, would, as can be proved by testimony equally respectable, be sometimes a whole week in passing the shoals. I aver that this is never the case now. No instance can be pointed out of a vessel that has kept in the channel, lying two tides, during the last 9 months, on the same shoal; although the vessels which now frequent our port are generally of a larger class and of greater burden than they were before the works for the improvement of the navigation of the river were commenced by the State of North Carolina.

I have the honor to be
Your Excellency's most obedient servant,
H. JAMES.

His Excellency Gov. SWAIN.

(C)

REPORT

Of the President and Directors of the Roanoke Navigation Company, to the Stockholders in General Meeting assembled.

No meeting of this body having taken place last fall, it is, of course, uninformed as to the operations and transactions of the year ending Nov. 1832. The accounts of the different agents were, however, duly settled, and a report prepared by the Board of Directors at that period, which, with the accompanying documents, is hereby referred to and made a part of this Report.

Since that time, the labors of the hands of the company, aided by a few, though very few, hired hands, have been almost exclusively directed to the completion of the line of lockage connecting the water in the basin with the river below. This work has been conducted under the immediate supervision of our worthy Superintendent, who has made, on the subject, a detailed report, which is herewith presented and which will afford all desirable information as to its progress, and the various causes which have so much retarded it.

All the difficulties of this arduous and perplexing job are now, however, fairly overcome, and the labor of a few more days will have brought it to a completion; when boats laden with produce or merchandize may pass unobstructed up or down the river.

It only remains for the Board to congratulate this meeting, and the community at large, on the consummation of this great work, so long the object of our exertions, and upon the dawning of the day of our prosperity.

For information on their several subjects, we beg leave to refer to the reports of the Treasurer and Toll-gatherer, marked A and B, which are herewith submitted.

SAM'L PANNILL, Pres't pro tem.

Weldon, Nov. 11, 1833.

REPORT

Of the Superintendent to the President and Directors of the Roanoke Navigation Company.

Since the last annual meeting, the operations of the company have been chiefly confined to the lockage at Weldon, rebuilding the lock at Eaton's falls, and necessary repairs on the Roanoke canal. The Superintendent has the satisfaction of announcing to the Board, that the locks at this place are finished, with the trifling exception of setting up or hanging the gates for two locks.

At the period of the last annual meeting of the Board, the opinion was confidently entertained, that the lockage at this place would be completed, so that, at least during the summer and fall of the present year, the hands of the company could be employed in improving the batteau navigation of the river above the canal. It is a matter of unaffected regret to the Superintendent, that this expectation has not been realized. So many reasons and excuses have already been offered for the great delay which has attended the progress and completion of this work, that the Superintendent feels most reluctant again to recur to the subject. He is, however, fully aware of the fact, that no one who has not been an eye witness of the difficulties which have been constantly occurring, can form an adequate

idea of their magnitude, compared with the force employed to overcome them, and the various discouragements under which the work has been conducted. It is therefore, perhaps, a duty which he owes as well to those immediately interested in the work, as to himself, to concisely set forth the more recent causes which have retarded the work. A moment's reflection, must satisfy the most superficial observer, that so much of the work as remained to be executed at the last annual meeting, could only be effected during seasons of low water in the river; for, otherwise, the water flowing from the river into the lock pits would necessarily suspend the work during the continuance of this obstruction. Soon after the adjournment of the Board last fall, rains set in freely, producing a considerable rise of the water; from thence during the winter, and in fact until about the first of July, repeated interruptions, at short intervals, from the like cause, were constantly occurring. Another most fruitful source of obstruction was experienced from the sliding of the neighboring banks, which are very high, into the lock pits. This invariably happened whenever freshets occurred. Repeatedly during the year the two lower pits were nearly opened to the required width and depth, and were again filled to a considerable height. Thus every freshet had the two-fold injurious effect of suspending the work and occasioning large quantities of earth to slide into the pits, making it necessary to go over the same work repeatedly. After the excessive and long continued rains through the spring and early part of summer had subsided, and the weather became favorable for our operations, the hope was indulged that no further difficulties would be encountered in the progress of the work to completion. This hope was disappointed. In the month of May the highest freshet occurred in the Roanoke that has happened in about twenty years. It is a fact well attested by reason and experience, that whenever a high fresh happens in the Roanoke during the summer months, so as to cover the bottom lands, the surrounding country within the influence of the river atmosphere becomes extremely sickly. The causes are obvious and need no explanation. In the months of August, September and October, our hands were so uncommonly sickly, arising as well from the cause already mentioned as the nature of the work in which they were employed, that during the whole of this time only about one half of our force was effective to perform labor; and, indeed, such continues to be the fact to the present moment. In these various interruptions, the Superintendent indulges the hope, will be found ample cause for the delay which has latterly attended the progress of the work—a delay, as annoying to his feelings as it must be unpleasant to all interested in the work. A small portion of earth remains to be excavated from the basin connecting the fifth and sixth locks, and between the latter lock and the river. Four or five days more work will finish the lock at Eaton's falls, and the necessary repairs of the canal at that place. Much labour has been employed in repairing the embankments of, and clearing out accumulations of sand in the Roanoke canal, in making and repairing gates at the stone locks, and laying a new floor to one of them. A heavy raft of logs which obstructed the navigation of the river at Eaton's falls has been removed, and an excellent canal formed from the basin in Weldon to Mr. Jabez Smith's mill, to supply the water power contracted for with him.

All of which is respectfully submitted.

A. JOINER.

Weldon, 9th Nov. 1833.

REPORT

Of the Treasurer to the President and Directors of the Roanoke Navigation Company.

		Dolls. Cts.
The balance remaining in the hands of the Treasurer, at the date of the last settlement, on the 5th Nov'r, 1832, amounted to - - - -		3,425 53½
Since which period, the following sums have been rec'd:		
Of Beverly Sydnor, for hire of negro Adam, -		60 00
Dividend declared 15th January, 1833, on 78 shares of stock in Farmers' Bank of Virginia at 3 per cent.		234 00
Sale of 23 shares of stock in Farmers' Bank of Virginia, sold by Joseph Marx & Son, at 112½ pr. ct.	2,587 50	
Deduct their commission for selling,	11 50	
		2,576 00
Of Beverly Sydnor, for negro Adam sold him, -		300 00
Of Thomas Early, for an old boat sold by him, -		1 00
Dividend declared 15th July, 1833, on 55 shares of stock in Farmers' Bank of Virginia, at 3 per cent.		165 00
Tolls collected on Roanoke canal, from 1st Nov. 1832, to 1st Nov. 1833, - -	$3,484 36	
Deduct T. T. Wiatt's commission for collect'g	174 22	
		3,310 14
Collected from stockholders, - - -		1,081 27
		11,152 94½
And that during the same period the following payments and disbursements have been made:		
Payments to stockholders on account of first dividend, - - - -	357 00	
Disbursements for outstanding debts at last gen'l meeting and expenses incurred since,	5,681 83	
		6,038 83
Balance in hands of Treasurer, - - -		5,114 11½

The Treasurer begs leave to exhibit a separate and distinct view of the present condition of the toll fund, a part of which is embraced in the foregoing statement:

The balance unappropriated after the first dividend was declared, amounted to - - - -	$152 27
Tolls collected since first dividend was declared to the 1st November, 1833, - - - - -	6,485 63
Making the aggregate sum of - -	$6,637 90

A dividend of 1¾ per cent. on the capital stock of the company would give the sum of $6,973 75, and would consequently leave unprovided for by the toll fund as above exhibited, the sum of $335 80. But to meet this deficiency, there is due for tolls on produce deposited at Wilkins' ferry $436 75, according to a statement furnished by Messrs. J. H. Crockett & Co., and which, it is presumed, will be promptly paid into the hands of the Treasurer. Respectfully submitted.

Weldon, 9th Nov. 1833. A. JOYNER.

Account of Toll on Produce, Goods, Wares and Merchandize received through Roanoke Canal, from 1st Nov. 1832, to 31st Oct. 1833.

2,128	hhds tobacco	3	boxes sperm candles
12,490	bbls Flour	16	feet mill stones
362,548	lbs manufactured tobacco	469	casks lime
102,176	lbs goods pay. 10c per 100	20	casks cheese
97,332	lbs do do 5c do	15	bushels potatoes
33,500	lbs coffee	264	bushels flax seed
5,281	lbs white sugar	360	bales cotton
14,640	lbs nails	168	bbls tar
2,757	sacks salt	237	lbs beeswax
1,057	gls wine	85	feet scantling
4,441	gls molasses	3	bbls cider
1,282	gls foreign spirits	3	tons gipsum
3,687	gls domestic spirits	1,950	lbs grindstones
1,300	lbs manufactured iron	11	casks porter
2¼	tons castings	1,400	lbs bacon
16,185	lbs bar iron	½	ton copper
1,040	lbs pepper, ginger, &c.	15½	m. shingles
43	boxes tallow candles	78	gals oil
33½	bbls sugar	911	bushels wheat
50	hhds brown sugar	8,149	lbs raw hides
69	hhds tobacco stems	2	empty boats.
732¼	bbls fish		

Gross amount of toll, - - - - - - $3,484 36

State of the Roanoke Navigation Company on the 11th Nov. 1833.

		Dolls. Cts.
Capital subscribed—by individuals	$282,000 00	
by State of N. Carolina	50,000 00	
by State of Virginia	80,000 80	
		412,000 00
Aggregate of requisitions made on stockholders		412,000 00
Amount paid by stockholders - -	397,289 28	
Amount due from stockholders - -	14,710 72	
		412,000 00
Expended by the company for all purposes, after deducting the amount of property re-sold - -		406,957 21
Debts due by the company - - - - -		1,600 00
Debts due to the company otherwise than on account of stock - - - - -	110 00	
Amount of cash remaining on hand -	5,114 11½	
55 shares of stock in Farmers' Bank of Virginia, estimated value - - - -	6,187 50	
40 negroes, supposed to be worth -	13,000 00	
Other property - - - - -	600 00	
		25,011 61½
*Amount of dividend declared 15th Nov. 1831, on 3985 shares of stock at 1¾ per cent. -		6,973 75
Amount of dividend paid to stockholders	5,549 25	
Amount of dividend unpaid - -	1,424 50	
		6,973 75
Amount of nett tolls collected for the year ending 1st Nov. 1833 - - - - -		3,310 14

A dividend of 1¾ per cent. was declared on 11th Nov. 1833, payable on demand.

A. JOYNER.

*Number of shares held in the company - - -	4120
Deduct insolvent stock purchased by the company -	135
Dividend declared on - - - - - - -	3985 shares.

(D)

REPORT

Of the Clubfoot and Harlow's Creek Canal Company.

Total amount of stock		$27,800 00
Ditto do do subscribed by individuals		12,800 00
Ditto do do do by the State		15,000 00
Amount paid by individual stockholders		11,087 05
Do do the State		15,000 00
Do due from individual stockholders		1,712 95
Do do insolvent do		1,612 95
Do expended on the works of the company		44,087 05
Do due to the comp'y otherwise than on account for stock		279 09
Do due from the corporation to individuals		400 00
Do do do to the State on account of money loaned		18,000 00
Do tolls received during the year 1833		347 69
Do expended on repairs and contingencies		268 60
Do cash in the treasury		79 09

State and condition of the Company.

The canal requires much repairs; the southern locks are undermined and blown up in such a manner as to be rendered useless; in consequence of which, sand bars have formed below them. Some portions of the banks of the canal have slipped in and filled up parts of the channel. There have been two new bridges constructed across the canal, which are indispensibly necessary.

ELIJAH CANNADY, President.
JAS. E. GIBBLE,
J. C. MANSON,
A. CANNADY,
} Directors.

(E)

REPORT

Of the Buncombe Turnpike Company.

To his Excellency the Governor,

President of the Board for Internal Improvements for the State of North Carolina:

The President and Directors of the Buncombe Turnpike Company, in obedience to the act of the Legislature, passed in the year 1829, report:

The capital stock of said company is thirty thousand dollars—twenty-five thousand of which was subscribed by individuals and five thousand by the Treasurer of North Carolina for and in behalf of the State.

The whole amount of stock subscribed has been paid, except the sum of forty dollars eighty-three and a half cents, which is due from the representatives of the late Dr. Rob't B. Vance, on account of stock subscribed by him.

The entire amount of the capital stock was expended in laying out and making the road.

The company have, since the last annual meeting, paid a dividend of three per cent. on the original stock, which was declared on the day of January, 1833, and confirmed by the stockholders in general meeting on the day of October, 1833.

The amount of cash in the treasury at their annual meeting in October, 1832, was		$772 52
The tolls collected within the present year		4,477 70
The amount collected for original stock		35 00
Making an aggregate of		5,285 22
Which has been disbursed in the following manner, to wit:		
In payment of a dividend of 4 per cent. declared at the last annual meeting	$1,192 00	
Allowance made directory for 1832	448 00	
Clerk and Treasurer for 1832	100 00	
Attorney's fees for professional services	45 00	
Gate-keeper's wages	200 00	
Overseers and hire of hands to work on road	1,026 54	
Repairs on the house at Ivy gate	147 00	
Accounts unsettled at the last general meeting, Court costs and other contingencies	433 13	
Dividend of 3 per cent. in the present year	894 00	
		4,485 67
Which leaves in the treasury on the 1st Monday in Oct. 1833		799 55

The company owe no debts except 22 dollars due for dividends on four shares of stock, which stand on the books in the name of Daniel Blake.

The debts due the company are forty dollars and eighty and a half cents

from R. B. Vance, as above	$40 80½
Samuel Newland for tolls for his stage passing through the Ivy gate of company	712 20
George Bowen, for his stage passing through the South gate of company	38 25
	$791 25½

Suit has been brought vs. Samuel Newland for his tolls, which is now pending in Buncombe Superior Court of Law.

The stockholders at the general meeting in October, 1833, with a hope of avoiding the heavy expenses which the company annually incur by the hire of hands, resolved, so soon as sufficient funds were acquired, to purchase four able bodied slaves, to be kept permanently at work on the road; and the money on hand was ordered to remain in the treasury for that purpose.

The Board, in conclusion, remark, that though the item in the above Report for repairs done on the road, may appear large to persons unacquainted with the facts, and induce a belief that the requisite economy had not been exercised; yet, when it is remembered that the disastrous effects of two or three very high freshets in the French Broad River, in the latter part of the winter and first of the spring, rendered it absolutely necessary to keep a constant hired force on the road during the whole summer, such opinion, if it before existed, must immediately vanish. These breaches occurred in a part of the road where but few hands reside who are subject to work on the same; and the hands called "the mile hands," are generally got out with so much difficulty and perform their labor so reluctantly, that the whole line of road may almost be said to be kept up by a hired force.

JAS. W. PATTON, President.
J. M. ALEXANDER, Director.
SAM'L CHUNN, Director for the State.

(F)

REPORT

Of the Swannanoa Turnpike Company.

To the Board for Internal Improvements.

The Commissioners appointed by the act of 1829, to lay off and superintend the construction of a road from the Old Fort, in Burke county, to Asheville, in Buncombe county, respectfully report:

That, having expended on the road the sum of 2000 dollars, loaned to them by the Public Treasurer under the provisions of the act referred to, they proceeded, on the 17th February, 1832, to erect a gate and collect the tolls authorized by law. During the period commencing on the 17th February, 1832, and ending on the 1st of March last, tolls were received, amounting to the sum of $568 90. At the latter date, we entered into a contract with a responsible individual, who has engaged to keep the road in good repair, until the first day of March next, receive the tolls, and pay us at that time the sum of five hundred dollars. The road is kept in good repair and gives general satisfaction. Respectfully submitted.

JNO. BURGIN,
SAM'L W. DAVIDSON.
GEO. C. ALEXANDER.

October 22, 1833.

REPORT

OF THE

JOINT SELECT COMMITTEE

ON

CURRENCY & BANKS.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1833.

REPORT.

The Joint Select Committee on Currency and Banks, have had the subject under consideration, and REPORT:

That, in the opinion of the committee, the present condition of the currency of the State loudly calls for the prompt action of the Legislature. It may almost be said that the State, at this time, is destitute of a circulating medium: it has searcely any of its own, and of that which our people are compelled to employ, there is a deficiency in quantity and quality.

This state of things is altogether owing to the circumstance of the existing Banks now winding up their business, collecting their debts, and withdrawing their notes from circulation. The stockholders in these institutions consider this necessary, since after December next, they are restricted by law from doing any new business.

Nothing ever more powerfully disturbs the business of a community, and affects its prosperity, than a rapid and continued reduction of the general currency. It brings embarrassments on the people, destroys confidence in credit, checks trade, and invariably depresses the prices of labor and property. We have seen, if, at any time, in other States, a reduction of 10 or 15 per cent. takes place in the amount of the currency, it is followed by bankruptcies and distress. Can it be a matter of wonder, then, that there should be a stagnation of business in North Carolina, that industry should be paralized, and the energies of our people depressed, when we consider what a great reduction our currency has undergone during the past few years? The wonder is, how our people have sustained themselves as well as they have, under this severe operation.

Mr. Crawford, in his report of 1820, while Secretary of the Treasury, mentions, as an extraordinary fact, that from 1815 to 1819, a period of little more than four years, a reduction of 59 per cent. took place in the circulating medium of the country; which, in his opinion, fully accounted for the unparalleled pressure then experienced throughout the Union. It is well known that, in this reduction, the Bank paper of North Carolina, in common with that of all the other States, bore its part. The lowest point of depression was then reached in the most of the other States, and since then their circulation has been gradually increasing in amount. Not so in North Carolina. The reduction with us has continued to go on, and the consequent effects have continued to be felt.

The official returns of the Banks in this State, will show the progress of this diminution. The amount of their notes in circulation was, in 1825, $3,052,687; in 1830, $1,216,060.

No returns of the present year have been received, of later dates than June and July. From these, however, it appears that the reduction is still going on, and, as the Banks wind up, must continue to go on. Probably, at this time, the whole amount of notes in circulation falls

short of one million of dollars; while the debt due to these Banks, alone, is considerably more than two millions. It must be recollected, too, that the branch of the United States Bank in this State, constrained by circumstances, has ceased to make any further discounts; while it goes on collecting its debt against our citizens to the amount of nearly another million of dollars. What amount of notes it may have in circulation in North Carolina, we have no means of ascertaining, though it is believed that the amount is considerably less than its debt, inasmuch as the notes of the United States Bank have always rather conducted the exchanges with the North than composed a part of the circulating medium of the State. What makes this state of things still worse, is, that neither of the Banks in the State will receive, in payment of their debts, the notes of Virginia, South Carolina or Georgia, which now constitute the largest portion of our circulating medium. The consequence is, that debtors to the Banks have oftentimes to pay a premium of 2 to 4 per cent. to obtain such descriptions of money as will be received in the Banks; which, added to the regular Bank interest, subjects the debtor to the payment of an interest, varying, as the case may be, from 8 to 10 per cent.

Owing to this state of things, at no former period in our history has the condition of North Carolina presented so depressed an aspect. We know that there are other causes; but we believe this to be one of the main ones. Besides the evils already alluded to, we may mention, as another consequence, the tide of emigration which is now setting to the South and West from our borders. Many of our most intelligent, wealthy and enterprising citizens have already gone, or are preparing to go; all who go, take from us wealth, capital and enterprise, and, what is worse, prepare the way for others to follow; thus unsettling our population, and turning their minds from improvements at home, to the advantages of the new States. The committee believe that a restoration of a sound circulating medium, commensurate with the wants of the community, will contribute much towards reviving trade, awakening the enterprise of our citizens, and, as a necessary consequence, lead on the public mind to ameliorations in our moral and physical condition. Under these views of the subject, we unite in the opinion, that this Legislature ought not to adjourn without the establisment of a Bank or Banks, of some character or other.

Having arrived at this conclusion, the next points of inquiry that present themselves for consideration, are,

1st. What amount of banking capital is necessary to supply the wants of the people of North Carolina?

2nd. What shall be the character of the Bank or Banks to be established?

First, as to the amount of capital that may be necessary. The amount of banking capital needed for the State depends on the amount of circulating medium that may be requisite to conduct the business, and facilitate the exchanges of the community; for, to preserve a sound condition, the one must bear a certain proportion to the other.

Whatever may be the character of the Bank to be established, its specie capital should be such as to enable it at all times promptly to redeem with specie its notes, whenever offered for payment. Without this, the currency cannot be sound. Paper bills have no intrinsic value of their own, and are only valuable as the representive of gold and silver, which, every where and always, have an intrinsic value. The first requisite, therefore, of a good paper currency is its instantaneous convertibility into gold and silver, and this is one of the main checks to over-issues by the Banks.

In estimating the amount of banking capital necessary for the business of our State, and competent to ensure a sound currency, the committee have kept in view our peculiar circumstances. North Carolina, though the fifth State in the Union in point of population, is not the fifth in the extent of her commerce and trade. Our population is mostly agricultural, and it is known that an agricultural population requires less currency to effect its exchanges than one more commercial. A portion of our population, too, is of a character to require a less use of money than the laborers of the Northern States. These facts bring us to the conclusion, that we do not require as large a banking capital as several of the other States, possessing a much less population. Coming to a conclusion, from a variety of data not necessary here to be spread out, the committee believe that a capital of from 2½ to 3 millions of dollars will be sufficient to meet, at least the present wants of North Carolina, and they accordingly recommend this amount to the consideration of the Legislature.

2nd. The inquiry yet remaining to be made is—What shall be the character of the Bank or Banks to be established?

A majority of the committee believe that correct policy requires the establishment of a Bank, the funds of which shall be exclusively owned by, and the profits go to the State, and to be managed by a corporation created for the purpose, with specific powers and liabilities. We deem it our duty to present our reasons in favor of this measure, and briefly to notice the objections to it.

The *first* reason we advance in favor of this Bank, is, that, in our opinion, it is the best means we can adopt to restore a sound circulating medium to the State. The notes of an institution owned by the State will be received with more confidence than those of private corporations. In a Bank owned by individuals, the notes obtain currency alone from the supposed sufficiency of the capital, under good management, to redeem them; but, in a Bank owned by the State, in addition to this, the character of the State will ensure public confidence, and give undoubted credit.

Individual corporations, in the management of their Banks, look alone to their own interest. They go into the business for the sole purpose of making money; and, therefore, whatever measure is calculated to accomplish this object, they are sure to adopt, regardless of its effects on the community. A sound currency is to them a secondary consideration, and is only kept in view so far as it is their interest to do so. We have seen instances in our own State, where Bank corporations have, by their measures, depreciated their own notes, and then privately gone into market with specie funds, and bought them up at a large discount.

On the other hand, the *primary* object of a State Bank is to give a sound currency to the people, and to make profits is only the *secondary* consideration.

If the State institution gives a sound currency to the community, it gains a great object, though it may fail in making large profits; but if it can do both, then the measure stands recommended with double force. We believe it will do both; and, therefore, we recommend a State Bank in the SECOND place as a measure of Finance.

All banking is a species of taxation imposed on the community in which it is carried on, and whenever the Legislature gives to individuals the privilege of banking, it clothes them with the power of taxing. It is true, that, in one sense, the tax is voluntarily paid by those who deal with the Banks; but still it is a tax imposed by virtue of law on the productive industry of the country, in favor of unproductive capital.

Suppose it requires a banking capital of three millions of dollars to supply the wants of North Carolina, and on these three millions there be made Bank issues to the extent of 3 for 1, as is the case with our local Banks, then it is clear that the owners of the 3 millions, *by means of their charter*, instead of six per cent. on 3 millions, are enabled to exact six per cent. on 9 millions; *that is*, as individuals, they could only charge 6 pr. ct. on the *three* millions—equal to $180,000; but, as a corporation, they can charge six per cent. on *nine* millions—equal to $540,000; making a difference of $360,000 extra interest in each year: or, in other words, the act of incorporation gives them the power to charge the community six per cent. on six millions of dollars which they do not possess; or it enables them to exact 18 per cent. on their actual capital. We may say 21 per cent., since paying the interest in advance, makes it nearly equal to 7 per cent. It is true that the corporations do not realize all this as profit, for a part of it goes to pay for management; but this does not make it less a tax on that account paid by the productive class of the community to the privileged FEW. Since, then, *banking* is a species of taxation, and the power of taxing being an attribute of sovereignty, what good reasons are there, that the State should give up to soulless corporations the exercise of this important prerogative? The Bill of Rights says, "*That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services:*" and yet, if you give to corporations the exclusive power of banking, do you not give to a "set of men" the privilege to do what? Why, to exact from the people of North Carolina, annually, the sum of 360,000 dollars more than they could do, but for your acts of incorporations. And what are the "public services" they render for it? The only one pretended is, that they furnish to the State a *circulating medium* —a thing which, it appears, a Bank of the State can do much better than private corporations, and, consequently, the State is under no necessity of bestowing on corporations these exclusive "emoluments." UNIFORMITY is an essential requisite of a sound currency. A *State Bank* can give this uniformity; but the more corporation Banks you have, the less uniform will be the currency, and the less fixed will be the standard and measure of value.—Whether, therefore, it be good policy to establish any Banks to be owned by individuals, must, in a considerable measure, depend on the circumstances of the particular case; and, should it be thought good policy to establish one or more Banks as checks, then ought not these Banks to make a fair acknowledgment to the State for the privilege, either by an annual tax or by a bonus, at the time.

Even if the Legislature should act on the policy of chartering one or two corporations, with limited capitals, will it not be well in the State to retain

the most of the power in its own hands, and to exercise it for the benefit of the whole? So that if the community pay these treble exactions in one shape, they will receive them back in another.

We see, from the report of the Public Treasurer, and the returns of that officer, as well as from the report of the Committee on Finance, that the present revenues arising from taxation are insufficient to meet the current expenses of the State; and it is now very evident that we must either increase the taxes, or we must adopt some other system of finance, to enlarge the revenues. It is equally evident we must have a Bank to supply a currency.

Now, if the State can supply a better currency than individuals, and at the same time, and by the same act, avoid the necessity of increasing the taxes on the people by making the profits that otherwise would be made by corporations, surely good policy requires that we should do so. We confidently believe that this can be done.

Suppose the State shall borrow 2 millions of dollars, at five per cent.; the annual interest on this will be 100,000 dollars. The Bank, on this capital of two millions, with safety, can do business to the extent of two to one; and thus make an interest of 6 per cent. on 4 millions of dollars—equal to 240,000 dollars. Of this sum, say 100,000 dollars goes to pay the interest of the loan, 40,000 dollars goes to pay for administration of the Bank—leaving 100,000 dollars as profit; which is double the whole amount of land and poll taxes annually paid to the State. If the Bank should find it safe to issue $2\frac{1}{2}$ for 1, then the profits would be still greater, making all just allowances for bad debts. That this can be done, we are warranted in believing from the results of the Banks in this State, and from the experience of several of our sister States.

South Carolina has had a Bank of the State in operation since the year 1812; and though, at first, this institution was defective in some of its details, the State soon corrected them, and the Bank has gone on most prosperously ever since. From the last report of the President of the Bank to the Legislature of that State, now in session, it appears that during the past fiscal year the Bank made a profit of more than 151,000 dollars on its capital of 1,156,000 dollars; and so well has that institution been managed, that *not one dollar* has been lost by bad debts since the present incumbent has been in office. Governor *Hayne*, in his message to the Legislature, uses this language respecting the Bank: He says, "Under the able and faithful management of the Bank, it appears that our means will be ample to provide for the entire extinction of the public debt, as it shall become due, without the imposition of any additional taxes."

Alabama, next to South Carolina, adopted the policy of establishing a State Bank. In fact, the policy is engrafted in the provisions of her constitution. Her experience, like that of South Carolina, proves the great advantage of the measure. The Governor's message to the Legislature now in session shows that the system has worked well in that State; so much so, that the last Legislature enlarged the operations of the Bank, by increasing its capital three and a half millions of dollars, which was raised by loan during the past summer.

The *Alabama* Bank has not only supplied a sound currency to the State, but has actually yielded such profits as to warrant the conclusion, that in a few years the State may dispense with the necessity of taxation altogether. On this subject, Governor Gayle, in his last message, speaks as follows: "I

am fully persuaded that a prudent management of its concerns (the Bank) will, in a few years, dispense with the necessity of taxation altogether."

Georgia has also tried the experiment of a Bank owned exclusively by the State, and so well has the system worked there, that the Governor, in his recent message to the Legislature, has recommended that all the assets of the State be concentrated in the *Central Bank;* and we see steps now taking to sell out the stock owned by the State in the local Banks with that view. Governor Lumpkin, in his message, says, "After much reflection, I would respectfully recommend to the General Assembly such legislation as may tend, finally, to bring all the public assets of the State under the immediate control and management of its own agent, the *Central Bank.*"

Louisiana, with some modification, has also tried the system, and the people of that State are so well pleased with it, as at this time to be taking steps for the establishment of a State Bank, with a capital of five millions of dollars, the money to be obtained by loan.

Mississippi, during the past year, put into operation a Bank of the State, the capital for which was borrowed in the northern cities: the stock was sold at a premium of 13¼ per cent. In addition to these examples the committee might refer to facts to show that yet other States have now under consideration the policy of adopting this system; and that, wherever it has been adopted, and conducted on true banking principles, the results have always more than realized the expectation of its advocates. Nor is it an argument against this system, that certain banks, established some years ago by Tennessee and Kentucky, did not succeed well; for it is notorious that these Banks were not established on solid capitals, nor conducted on legitimate banking principles. Based as they were on wild laws, and on empty pledges, their notes never obtained good credit. The failure of these spurious Banks has given rise to all the prejudices which exist against State Banks.

The committee will now proceed briefly to notice the principal objection urged against the establishment of a STATE BANK, to wit: that it is UNCONSTITUTIONAL to establish such a Bank,

The clause of the Federal Constitution, which, it is alleged, prohibits the establishment of a Bank of the State, is in these words: "No State" shall "emit bills of credit." From this language it is very clear that no State can "emit bills of credit." But what are "bills of credit" in the sense used by the Constitution? Let Judge Marshall answer. In the decision of the Supreme Court on the question of the Missouri certificates, he uses this language: "At a very early period of our colonial history, the attempt to supply the want of the precious metals by a paper medium, was made to a considerable extent, and the *bills emitted* for this purpose were denominated *bills of credit.* During the war of our revolution, we were driven to this expedient, and necessity compelled us to use it to a fearful extent."

Judge Story, in his new work on the CONSTITUTION, says of "bills of credit," "the phrase (as we have seen) was well known, and generally used to indicate the paper currency issued by the States during the colonial dependence. During the war of the revolution, the paper currency issued by Congress was constantly *denominated* in the

acts of that body *bills of credit*, and the like appellation was applied to similar currency issued by the States. The phrase had thus acquired a *determinate* and *appropriate* name."

Mr. *Madison*, in his letter to C. J. Ingersol in 1832, written on this subject, says, "The evil which produced the prohibitory clause in the Constitution of the United States, was the practice of the States making *bills of credit*, and, in some instances, appraised property, a "legal tender." If the notes of State Banks, therefore, whether chartered or unchartered, be not made a legal tender, they do not fall within the prohibitory clause." This, he says, is the true meaning of the 44th No. of the Federalist.

It is very clear from this what is meant by "bills of credit." The States, as well as the old Congress, had been in the practice of issuing large amounts of paper money, called "bills of credit." These bills of credit were made redeemable at some future day, and no funds were set apart for their redemption even at that future day. The people were compelled to take them, for they were made "a legal tender;" and the holders of them had no remedy, for they could neither sue a State, nor Congress; so that the evil became very great, and it was to avoid the recurrence of this evil that the prohibitory clause was inserted in the Constitution. Hence, when the Legislature of Missouri attempted to supply that State with a currency by issuing *certificates* to circulate as a medium, the Supreme Court could not do otherwise than pronounce them unconstitutional. This, however, is a very different thing from what WE propose to do. We propose to create a *corporation*; to invest it with specific available funds; authorising it, in its corporate name and capacity, to issue notes to a limited amount on the credit of its funds; make these notes (not a legal tender) convertable, at the pleasure of the holder, into gold or silver; and make the corporation, like individuals, liable for all its debts and responsibilities.

If any additional authority was necessary to show that the prohibitory clause does not apply to the notes of a State Bank, we may find it in the decision of the *Constitutional Court* of South Carolina, where the point was brought directly in question, and decided, unanimously, that the law of South Carolina establishing the State Bank, is not unconstitutional. See M'Cord's Report, 2 vol.

The *Constitution of Alabama* contains a clause restricting the Legislature to the establishment of a State Bank, with branches. The Federal Government, with this clause staring them in the face, without a single mark of dissent, admitted *Alabama* into the Union. If they believed that a State had no right to establish such Bank, would they have admitted her into the Union until that clause had been expunged?

But, say the opponents of this measure, the creation of a corporation, in this instance, is merely an evasion, and we cannot do indirectly what we are forbidden to do directly. That a State can no more "emit bills of credit" indirectly, than she can directly, is very clear; but we deny that the notes of the Bank of the State will be bills of

credit. The bills of credit which occasioned the prohibitory clause in the Constitution, were declared to be MONEY, and were made "a legal tender;" but the bank notes to be issued by the Bank, are not declared to be money, nor made a legal tender. They are not money, but only the representative of money. The opponents of this measure admit the power of the Legislature to incorporate Banks, to be owned by individuals, with the privilege to issue notes. But if the notes of the Bank of the State be bills of credit, will not the notes of individual Banks be the same? If the notes of the one be unconstitutional, how can the notes of the others be constitutional? They both are issued by corporations. If it be unconstitutional to establish a corporation to bank on the funds of *all* the people of North Carolina, where do you find the power to create a corporation to bank on the funds of a *part* of the people of North Carolina? Will it be said that the *circumstance* of the funds belonging to the State makes the Bank unconstitutional? If so, then it must follow that the *conjoint* Bank, allowing to the State half of the stock, must, at least, be *half* unconstitutional; otherwise it amounts to this, that the State may constitutionally own all the stock in the conjoint Bank except one dollar; but the moment she buys that dollar, the whole becomes unconstitutional.

If it were necessary any further to advocate the right of a State to establish this Bank, we might do so under the power to tax—the taxing power. A short quotation from an able paper of *Alexander Hamilton*, will place this idea in a striking point of view: "A Bank relates to the collection of taxes in two ways: *Indirectly*, by increasing the quantity of circulating medium, and quickening circulation, which facilitates the means of paying: *directly*, by creating a convenient species of medium in which they are to be paid. To designate or appoint the money or thing in which taxes are to be paid, is not only a proper, but a necessary exercise of the power of collecting them."

The next ground on which the opponents of this measure object to it is, that of expediency. It is contended that the Legislature, from the nature of its organization, is wholly unqualified to select those who are to administer the Bank; and that this can be well done only by those whose senses are quickened by private interest. The committee need not consume time in exposing this objection; for the experience of the past few years sufficiently does so. No Bank worthy of the name, under the control of any State, has ever yet failed, or ever been involved in serious danger; while it is a notorious fact that no fewer than 160 Banks, owned and managed by individuals, have failed in the United States since the close of the war.

In remarking on this subject, Mr. Gallatin says, "On a total capital of 135 millions, the failures have amounted to twenty-four and a half, or to about two elevenths of the whole." He further remarks, "We believe that the pecuniary loss sustained by the government on the loans raised during the suspension, and *from Bank failures*, exceeded *four millions* of dollars." These facts require no comment. They plainly show who are the most competent to manage a Bank

—those whose character and salaries depend on good management, or those whose cupidity and thirst of gain impels them into illegal and corrupt practices.

But if this objection to the fitness of the Legislature to make selections be good in the case of the Bank, it must be equally good in all other appointments; and then we are brought to the anti-republican conclusion that the Legislature is not fit to make any appointments; otherwise we are driven to this absurdity, that the Legislature may be fit to choose Senators to Congress, Judges of the Superior and Supreme Courts, Governor and *Public Treasurer;* but it is not fit to elect a president and five directors to manage a Bank!

The committee might present the various branches of this subject in many other lights; but they have already extended their report beyond what they could desire, and will, therefore, now submit the whole subject to the consideration and decision of the Legislature.

Respectfully submitted.

CHS. FISHER, Chairman.

REPORT

OF THE

SELECT COMMITTEE

ON THE

CLAIMS OF THE STATE

UPON

THE GENERAL GOVERNMENT.

RALEIGH:
PRINTED BY LAWRENCE & LEMAY,
Printers to the State.
1838.

REPORT.

The select committee, to whom was referred so much of the Governor's message as relates to the claims of this State upon the General Government for expenditures incurred for the defence of the country during the late war with Great Britain, have had the same under consideration, and respectfully REPORT:

That, in the year 1813, at a period of great embarrassment in the financial operations of the General Government, and when no adequate means had been provided for the defence of our maritime frontier, the General Assembly of this State found it necessary to adopt such measures as the exigency of our affairs required, to rely upon our own resources, and look to the nation for ultimate indemnity. An act was, therefore, passed to authorize the Public Treasurer to borrow of the Banks 25,000 dollars, to be expended in the purchase of munitions of war, and the further sum of 50,000 dollars to furnish supplies for the militia that might be called into service. In 1814, acts were passed, directing the Public Treasurer to borrow, at six per cent. interest, 35,000 dollars for the former, and 50,000 dollars for the latter purpose.

Under the provisions of these acts, loans of large sums of money were obtained, which were expended in the purchase of munitions of war, and in the payment of claims for militia service.

The committee do not deem it necessary, in this Report, to enter into a particular examination of the items of our claim. This service has been well performed by the late Public Treasurer, Col. Robards, in connection with the Comptroller and Secretary of State; and to the account, as stated by them, the committee beg leave to refer. The balance ascertained by these gentlemen to be due to North Carolina, for supplies furnished to the militia, and payment of militia services, amounts to the sum of $30,930 21½, exclusive of interest.

In 1816, after various payments had been made from the Treasury on account of the sums of money which had been advanced by this State in aid of the national finances, a balance sheet containing the items which constitute this account was transmitted by Governor Miller to the Hon. W. H. Crawford, then Secretary of War. On the 15th April, 1816, Mr. Crawford acknowledged the receipt of the account, and remarked in reply, "That the evidence in relation to the claims of North Carolina was conceived to be sufficient. But the charge of munitions of war was not of a nature to be acted upon by the Department. If it is supposed to constitute a just charge against the nation, it must receive the sanction of Congress before it can be paid."

It is certainly strange, that a claim of this peculiar character should remain unliquidated at the present day. The reasons, why it is so will appear from the correspondence, on Gov. Owen's letter book, between the Executive Department and Wm. M. Sneed, Esq.

who went on to Washington in 1830 as the agent of the State to obtain a settlement. Notwithstanding the direct admission by the Secretary of War in 1816 of the correctness of the account, the agent was kept in attendance upon the Department of War for about six months; the most scrupulous investigation instituted with respect to every item; and at last the whole laid aside upon the ground that the press of business would not then admit of its adjustment. Mr. Sneed obtained the promise of the Secretary, Mr. Eaton, that, after the adjournment of Congress, the investigation should be closed, and the claim finally settled. It seems, however, that it has not since engaged the attention of the Department.

The committee are aware that, in the settlement of private claims, much strictness is necessary in examining and auditing accounts to prevent impositions upon the Treasury of the United States. They are constrained to remark, however, that the present case, in all its details, exhibits a minuteness of investigation, and an adherence to technicalities, not to have been anticipated in the arrangement of accounts between the General Government and a member of the Union. A single example will but too clearly illustrate this remark. The monthly pay of General Brown is held to be an improper charge, because the act of Congress under which he was called into service comtemplated that 4,000 men must be in the field to authorize the employment of a Major General. And yet the letter of Secretary Armstrong is upon the files of the Department, making a requisition of 7,000 men, to be placed under the command of one Brigadier and one Major General.

But if this strictness is ordinarily indispensible even in adjusting the claims of a State, it would seem that it should have been instituted by Mr. Crawford in 1816; and that the evidence with respect to it, having been deemed satisfactory by that gentleman, it is alike due to him, and to North Carolina, that it should not now be questioned.

The committee are unanimously of opinion, that the correctness of the account stated by our commissioners is sustained by the clearest and most satisfactory evidence; and that its immediate payment should be pressed upon the attention of the General Government. They are furthermore unanimously of opinion, that the State has an unquestionable right to receive interest upon the sum, at the rate of six per cent. from the time the money was advanced; and that the claim on account of munitions of war has been improperly rejected, and that its payment should likewise be pressed.

A few remarks will serve to explain the views they entertain on this subject. The first great object which led to the formation of the Union was to provide for the common defence. The defence of North Carolina had been overlooked by the public authorities. Our sea coast was blockaded, and our defenceless towns threatened with destruction. A special agent was deputed by the Legislature to Washington, to represent our situation, who was instructed to reply in effect, that the State must rely upon her own resources. Not only did the national Government omit to provide us the means of defence, but the militia

were ordered from our borders to protect the frontiers of Georgia and to garrison Norfolk, in Virginia. Half the whole number who were stationed at the latter point, died in the service, and those who returned, brought with them a pestilence, which spread disease and death throughout a large portion of the State. We had neither fortifications nor munitions of War, nor an overflowing treasury. But the patriotism of our yeomanry and statesmen was equal to the crisis. The latter borrowed the money necessary to furnish supplies, and our militia defended our own borders, and extended protection to the neighboring States on the North and on the South. Can it be supposed, that the General Government, with a knowledge of these facts, will hesitate to pay the State the interest upon a loan made by the latter in aid of the national finances? Or because no fortifications were provided, we should, therefore, be denied the use of munitions of war, which would have been indispensible had fortifications been erected, to make them at all available for defence, and the necessity of which was certainly not less without the fortifications? Is not the necessary result of such a position this, that the government of the Union, by neglecting one duty incumbent upon it, was thereby discharged from the performance of a second, and thus to aggravate the evils of one neglect, by authorizing the infliction of another?

The committee, as the best mode which suggests itself to them of attaining the object which the Legislature has in view, recommend the adoption of the following Resolution:

Resolved, That the Governor be requested to adopt such measures, as, in his opinion, may be necessary to effect an early settlement of the claims which this State has upon the General Government, on account of expenditures incurred in the public defence during the late war with Great Britain.

Respectfully submitted.

C. L. HINTON, Chairman

STATEMENT

OF THE

FUNDS OF NORTH CAROLINA.

Treasury Department, North Carolina, 6th Dec. 1833.

SIR,

I have the honor to submit the enclosed statement, prepared in obedience to a resolution of the Senate, directing the Public Treasurer "to make out and transmit to the Senate, as soon as practicable, a statement of all the funds belonging to the State, specifying their description and the gross amount of each." Besides the items included in the statement, the Western and swamp lands furnish resources from which might be realized perhaps an equal or larger amount, could they be brought advantageously into market.

I have the honor to be,
Very respectfully, Sir,
Your obedient servant.

W. S. MHOON.

The Honorable the Speaker of the Senate of North Carolina.

A Statement, showing the aggregate amount of all the funds belonging to the State of North Carolina, on the first day of November, 1833, *prepared in obedience to a resolution of the Senate.*

		D.	D.	C.	D.	C.
2,768	Shares stock of the State Bank of North Carolina, owned by the State, and unappropriated,	276,800				
282	Ditto ditto held in the name of the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund,	28,200				
3,050	Shares State Bank stock, original value,	305,000				
	Deduct dividend of $50 per share,	152,500				
	Present nominal value,		152,500	00		
1,818	Shares stock of the Bank of Newbern, owned by the State, and unappropriated,	181,800				

141	Ditto ditto, held in the name of the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund,	14,100				
1,959	Shares stock Bank of Newbern, original value,	195,900				
	Deduct dividend of $25 per share,	48,975				
	Present nominal value,		146,925	00		
2,072	Shares stock of the Bank of Cape-Fear, owned by the State, and unappropriated,	207,200				
50	Ditto ditto, held in the name of the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund,	5,000				
2,122	Shares stock Bank Cape-Fear, original value,		212,200	00		
					511,625	00

Amount of actual payments for stock subscribed by the State in the several Navigation, Canal and Turnpike Companies, viz.

Stock in	Roanoke Navigation Company,	50,000	00		
Ditto	" Cape-Fear Navigation Company,	40,000	00		
Ditto	" Yadkin Navigation Company,	25,000	00		
Ditto	" Clubfoot and Harlow's Creek Canal Company,	5,000	00		
Ditto	" Additional subscription in Clubfoot and Harlow's creek Canal Company,	7,500			
Ditto	Ditto ditto do do	5,000			
Ditto	" Tar River Navigation Company,	1,200			
Ditto	" Neuse River Navigation Company,	1,800			
Ditto	" Catawba Navigation Company,	2,400			
Ditto	" Buncombe Turnpike Company,	5,000			
Ditto	" Plymouth Turnpike Company,	2,500			
Amount invested in stock of Navigation, Canal and Turnpike Companies,				145,400	00

LOANS.

This amount loaned to the Clubfoot and Harlow's Creek Canal Company, under the act of 1826, the repayment of which, with interest, is secured by a mortgage on the Canal and other property of the company,		12,000	00		
Ditto	ditto under the act of 1828, secured by mortgage as above,	6,000	00		

Ditto loaned to the Commissioners of Old Fort Road, under the act of 1829, secured by the bond of said commissioners,	2,000	00		
Ditto loaned to the proprietors of the Tennessee River Turnpike Road,	2,000	00		
			22,000	00
BONDS, JUDGMENTS, &c.				
Balance of judgment against John Haywood, former Public Treasurer, which has been carrying interest from August, 1828,	17,740	40		
Bonds given for purchases of land and negroes, lately the property of John Haywood, dec'd, bearing interest from their respective dates,	1,624	28		
Ditto for other lands, bearing interest from date,	745	57		
Ditto for sale of furniture at Government House,	349	82		
Balances against sundry sheriffs, &c.	1,260	41		
			21,720	48
Balance due on Cherokee bonds, as appears from the bond account in the books of this office, bearing interest from the years 1821, 1822, 1823, 1824, according to their respective dates,	32,034	67		
Unsettled claim against the United States, reported by the commissioners under the resolution of the General Assembly of 1828, to be (exclusive of interest)	30,930	21		
Gross amount of cash reported to be in the Treasury, including the several funds, on 1st Nov. ult.	175,881	14		
Amount of claim against the State Bank,	41,953	05		
			280,799	07
Aggregate amount of funds belonging to the State,			981,544	55

W. S. MHOON, Pub. Tr.

Treasury Office, 6th Dec. 1833.

STATEMENT

OF THE

EXPENSES OF GOVERNMENT.

In obedience to a resolution of the Senate of the 3d instant, I herewith transmit a statement, shewing the aggregate amount of the annual expense of the Government from 1810 to 1832, inclusive.

1809 1st Nov'r,	By sundries to	John Haywood, late Pub. Treas.		$76,178 63
1st do. 1810,	do	do	do	68,795 57
1st do. 1811,	do	do	do	57,506 94
1st do. 1812,	do	do	do	80,013 54
1st do. 1813,	do	do	do	115,796 76
1st do. 1814,	do	do	do	123,372 60
1st do. 1815,	do	do	do	142,942 74 1-2
1st do. 1816,	do	do	do	130,632 17 1-2
1st do. 1817,	do	do	do	207,081 52
1st do. 1818,	do	do	do	125,991 05 1-4
1st do. 1819,	do	do	do	121,026 74 1-2
1st do. 1820,	do	do	do	193,693 43
1st do. 1821,	do	do	do	126,701 69 3-4
1st do. 1822,	do	do	do	119,352 51 1-3
1st do. 1823,	do	do	do	87,321 55 1-6
1st do. 1824,	do	do	do	135,386 35 7-12
1st do. 1825,	do	do	do	223,729 07 1-12
1st do. 1826,	do	do	do	125,226 40 5-6
1st do. 1827,	do	do	do	80,890 41 1-4
1st do. 1828,	do	do	do	121,151 00
1st do. 1829,	do	do	do	115,369 37 1-2
1st do. 1830,	do	do	do	103,385 99
1st do. 1831,	do	do	do	119,598 68 1-4
1st do. 1832,	do	do	do	138,867 46 3-4

NORTH CAROLINA.

Comptroller's Office, 7th December, 1833.

I, JAMES GRANT, Comptroller of Public Accounts, do hereby certify the foregoing statement to be the aggregate amount of the annual expense of the Government from 1810 to 1832, inclusive.

J. GRANT, Compt.

REPORT

OF THE

JOINT SELECT COMMITTEE

ON

AMENDING THE CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1833.

REPORT.

The Joint Select Committee, to whom were referred the several resolutions of the two Houses of the Legislature, instructing them to take under consideration the propriety of amending the Constitution of this State, and to inquire what mode is most expedient to adopt for the accomplishment of the same, have had these subjects under consideration, and

REPORT:

That a due regard for the interests of the whole, and a proper respect for the wishes and rights of a large majority of the people, require that the Constitution of this State should be amended. The committee have been relieved, in a great degree, from the responsibility of this determination, by a previous expression of the will of the people. For, it appears by a message of the Governor to this Assembly, that, in August last, polls were opened in thirty three counties, for the purpose of taking the vote of the people for and against amending the Constitution, when 30,000 freemen recorded their votes in favor of a *change;* while they, who voted against it, were less in number than 1,000. Moreover, there is good reason for believing, that if the polls had been kept *throughout the State under the authority of law*, the vote would have been in favor of reform one third greater than it was.

Since our Constitution expressly declares, "that all political power is vested in, and derived from the people only; that they ought to have the sole and exclusive right of regulating the internal government and police thereof; that the people have a right to assemble together, to consult for the common good, *to instruct their representatives*, and to apply to the Legislature for redress of grievances," it may well be questioned whether those who are sworn to maintain and support these principles, will be at liberty to disregard so clear an indication of public sentiment, or evade such a direct application for the redress of a popular grievance. A plain people will find it difficult to perceive the value of a power, which cannot be exercised, or to understand what availeth the right to instruct their representatives, or petition their Legislature, if these instructions may be resisted, or these petitions refused. Any government, which neglects to provide, by law, for the practical and safe enjoyment of all the rights which it recognizes, is certainly not true to the great purposes of its creation. A monarch, who claims dominion over his subjects, *jure divino*, will act consistently, by refusing to aid them in the control of his sovereign power, because he administers a government which denies the *right* of the people to remodel its forms. But the American States have indisputably recognized the right of the people to change their Constitutions, at the will of a majority of the qualified voters, in any manner that may suit their pleasure; and, therefore, if after so clear an expression of public opinion, a Legislature refuses to provide, by law, for the safe and practicable exercise of this right, it must be condemned as faithless to the spirit of its obligations, and the genius of our political institutions. What would be said of that system of laws, which, while it vests the title to an estate in one man, provides no means short of positive force to secure its possession and enjoyment? And what epithet would attach to an agent, who, although he acknowledges the right of his employer to instruct him, and to change his commission, and binds his conscience to make these the leading principles of his agency, yet scorns the instructions after

they are received, and uses all the means in his power to prevent any alteration of his commission?

But the committee are instructed, further, to consider of the amendments which ought to be made in our Constitution, and they are gratified in being able to state, that, on these questions also, they have been preceded by the public voice.

The great and prominent defect in our present Coustitution, is the unequal representation of the people and property of the State. It must be conceded that the fairest way of adjusting the proportions of benefits and burthens in a State, is, by combining pecuniary ability and burthens with such as are merely personal. The justice of this principle, secured to the southern States, under the Constitution of the Union, a scale of representation not including merely their white population, but combining with it three-fifths of their slaves; and if it be sound in one case, there seems to be nothing which renders it less so in the other. Some regard, however, is due to the situations and peculiar interests of different sections, and, especially, to the settled habits of the people. But when we are about to reform long established practices and principles of the Government, your committee deem it to be a high distinction to our people, a reproach to those who would decry their capacity for self-government, and the clearest proof of their integrity, patriotism and enlarged liberality, that they have so heartily embraced a proposition to compromise, upon these principles, this agitated question.

The amendments proposed have been discussed before the people, and no one can fail to perceive that they are the result of a spirit of amity and concession, which the peculiarity of our political situation has, perhaps, rendered indispensible to our quiet. By this amendment, the majority make these concessions: Counties which, upon general principles, would not be entitled to elect one member of either branch of the Assembly, are yet allowed one in the House of Commons, not because there is any real necessity for it, but because our long established habits of legislation have created a *desire* for it. The largest counties, whose population and taxes combined would entitle *them* to more than two Commoners and one Senator, withhold any demand for *strict* right, from a commendable desire to promote the good of the whole; and to assist the strength of the lesser counties, portions of these excesses of population and taxes, not necessarily represented in these large counties, are, as it were, generously cast into the scale of their brethren, to make up their deficiencies. True, the system of representation that is here proposed cannot be regarded as perfect in itself, or exactly equal; but then it should not be forgotten, that perfection is unattainable by human efforts; and, at the same time, we must remember that equality is departed from by the authority of the sovereign people, in deference and concession to the prejudices, feelings and expectations of those, who alone are objecting against this amendment.

Your committee are persuaded that the necessity for a change of our present basis of representation is too obvious to escape the perception of any one.

As early as 1788, when a large proportion of the Assembly consisted of our Revolutionary Fathers, and before the demon of party discord had taken sway over the councils of the State, a resolution was introduced to alter and amend the Constitution: 1st, Because the representation was not equal; 2nd, The General Assembly was too expensive; and 3d, Legislation

was unstable. Unfortunately, this resolution was then rejected by a single vote against the almost unanimous voice of such members of that body as had been in the Convention of 1776. Ever since that period, this subject has been occasionally brought forward for discussion in our Legislature, and, for the last 20 years, presented in every shape which seemed likely to secure for it an impartial and just consideration. There is among the people of the State a settled conviction that representation by counties is unequal, unjust and unnecessarily expensive. Were our counties less numerous and more nearly equal in population and wealth, the evil would never have been felt or complained of. It is idle to say that the Legislature may remove the grievance by re-dividing the State into counties of more equal size; for every one knows that this *will not be done.* No free government can prosper, while a majority of its people are hostile to the great leading features of their Constitution. This disaffection is of itself sufficient to induce a change. Who among us have not observed its bad consequences upon our Legislature? elections to office? and, indeed, in all the functions of this body? Sectional parties, excited passions, unhappy feuds, vascillating policy, unstable legislation, indifference to the public weal and ignorance of public affairs, are its ill-omened descendants; and no real lover of his country can but be pained at the clouds and darkness, if not the desolation, they have spread over the early hopes and bright expectations of North Carolina.

The committee entertain the opinion, that the Legislature meets oftener than is necessary; that biennial sessions will answer the valuable purposes of giving to the laws more permanency, and more vigilance in passing them, besides diminishing one half the expenses of this department of the Government; and to take away all just ground of opposition to this amendment, they believe that it should be put in the power of the Governor to call a special meeting of the Assembly, whenever, in his opinion, the interests of the State require it.

The committee entertain the opinion, that the Governor of the State should be elected for two years, by the people, and not by the General Assembly; because the Executive and Legislative departments of the Government ought to be more distinctly separated; because the Chief Magistrate is now, in a great degree, dependent on the General Assembly; because he is the servant of the people, and should be responsible to them directly, for the discharge of his trust; and because the people are desirous to make this election, have the right to do it, are competent to make it, and the office is clothed with no patronage that renders it prudent or expedient that they should surrender the election into the hands of others. Experience teaches us lessons on this subject, which are too imperative to need comment.

The committee recommend, also, that the 14th article of the Constitution should be amended so as to put it in the power of the General Assembly to confer on some other body (in their discretion) the election of militia officers. If the good of the State requires this power to be exercised by the Legislature, they will retain it or resume it; but if otherwise, (as it seems to us is the case,) the General Assembly ought to to transfer it.

The committee also recommend that the 32nd article of the Constitution should be abolished, at least in part, if not altogether. Its spirit is in conflict with religious freedom; it has no practical use, and it may be considered a mere badge of ancient prejudice, which, however excusa-

ble in those who first engrafted it upon our Constitution, is unworthy the present age of enlightened liberality.

The committee also recommend that borough representation should be abolished; because the injustice, besides the well known evils of the system, more than counterbalances the good it promises, either to the State or the towns which enjoy this right. And they also recommend for consideration the policy of confining the right to vote at the elections to *white men*, in accordance with the spirit of our Legislation for many years past; and from a conviction that the right of suffrage is in no sense a blessing to the negroes and mulattoes, as a class, but contrariwise.

Former experience teaches us that some mode of effecting necessary changes in the Constitution, is indispensable to its perfection; and the committee flatter themselves that they have here recommended one which is too difficult in practice to invite mere innovation, and yet not so impracticable as to leave us without hope of necessary reform. It is similar to like articles in several of the Constitutions of the other States.

The committee state further to the General Assembly, that they have recommended no alterations in the Constitution but such as have been put before the people during the last year, and upon which their votes were taken, as before stated. They have not presented the very words of the amendments proposed to our last General Assembly; but they have not deviated from their substance and effect.

In respect to the proper mode of effecting these alterations in the Constitution, it is believed by the committee that the Legislature may recommend the election of delegates, by the people, for the discharge of this special duty, or they may prepare distinct propositions of amendment, and submit them to the people; and if such propositions be sanctioned by a majority of the qualified voters of the State, the amendments will become a part of the Constitution, and have full effect and validity. The first mode is liable to such formidable objections, that your committee do not believe that the proposition to adopt it would meet with any success. It is useless, therefore, to inquire whether it has any advantages over the other. The only insuperable objection, however, is the difficulty of settling the proper basis of representation in the Convention.

Your committee, therefore, recommend the adoption of the latter mode; and in pursuance of this opinion, they have prepared specific amendments to the Constitution, together with a bill providing for the taking the sense of the people upon the whole of them; which bill and the amendments proposed accompany this report.

Some *doubt* has been entertained by others whether this method of procuring a change of the Constitution is clearly regular; but the committee are not able to perceive any substantial grounds for it.

The governments of the American States are founded upon the *consent of the people;* and they have been instituted by written Constitutions, ratified by a majority of the qualified voters. Therefore, when one of these Constitutions points out no particular mode for its amendment, it would seem that either the system is *unalterable*, or else it may be changed by the same power that created it. At most, no other concurrence is requisite for this purpose than that of the representative department of the Government, which was created by the charter.

The reason why the General Assembly cannot change the Constitution is, that they have no power to bind the people, without their *assent;* but when

the General Assembly do any act, which is deliberately assented to by the people, the sanction of sovereign authority is given to it as effectually as if it had been performed *directly by the people themselves.*

All agree that it is competent for the Legislature to recommend, by law, the election of delegates by the people; and that these delegates, when assembled in Convention, may alter and amend the Constitution. No one denies that the power of the Convention, in such a case, is derived from the *assent* of the people: so if these specific amendments be proposed to the people, and sealed with their assent, it is difficult to conceive the objection to their validity. In the first case, the recommendation would be made by the General Assembly, and so, likewise, in the latter. The assent of the people would follow, and not precede the act, in both cases; and there is no more authority in the Constitution for recommending one, than there is for the other. In *substance,* there is no difference; and in *form,* no other difference can be found than that in the first case, the people must assent by their *Deputies;* in the latter, they assent for themselves. The committee have not been able to find out any principle in our Government which precludes the people from doing any act, for themselves, which they can elect delegates to do for them; and they who allege it, must be required to shew it. If the people are obliged to act by Conventions of deputies, then it is certain that our Government rests on the assent of Conventions, and not on the assent of the people. Then may it be demonstrated that the "servant is above his master;" for while the people desire one form of Government, the Convention may prescribe another.

It has been said, however, that the *people at the polls* are subjects, and not sovereigns; and, therefore, they cannot assent to changes in the Constitution, by voting upon specific amendments; but this is a mere pretext. Do not the people exercise their *sovereign* power by electing delegates to a Convention? And do they not elect delegates by voting at the polls?—The error of those who oppose this mode of effecting a reform in our Constitution, grows out of their mistake of supposing that a Convention has some *inherent* power; when, in truth, it is nothing but an assemblage of delegates or deputies of the qualified voters of a State, from whom it derives all its powers.

The committee conclude by adopting the language of one of the distinguished authors of the "Federalist," where, in answer to the objections against the Federal Constitution, "that the Convention which proposed it, had exceeded their commission," because, being elected to amend the Articles of Confederation, and report to the State Legislatures and to Congress, they recommended to the *people* an entirely new Constitution, which they had formed, he declares, "They knew that, as the plan to be formed and proposed was to be submitted to the *people themselves,* the disapprobation of this supreme authority would destroy it forever—its approbation blot out all antecedent errors and irregularities."

OSMYN B. IRVINE, *Chairman.*

REPORT

OF THE

SELECT COMMITTEE

ON THE SUBJECT OF RECHARTERING

THE BANK OF CAPE FEAR.

"*Resolved*, That the bill for rechartering the Cape Fear Bank be recommitted to a select committee, with instructions to the committee to alter and modify the same in the following particulars, viz.

"1st. So as to provide that the individual stockholders in said Bank shall, for the privileges granted to them, pay to the State, on each share of $100, a tax bearing a due proportion to what the farmers of this State now pay, or hereafter may pay, on each *hundred dollars' worth* of their real estate.

"2nd. So as to provide, either that the capital of said corporation be fixed at what it is now reported to be, in the returns of the Bank, or, if in case it be thought proper to enlarge it to what it originally was, then to provide for the opening of books to that end, under such regulations as may be necessary to ensure an equal chance to all the good people of North Carolina.

"3d. So as to embody in the bill all the powers and privileges, intended for said Bank to enjoy, and all the liabilities and restrictions, to which it may be made subject, in order that the good people of this State may plainly see and know what they are."

The Select Committee to whom were referred the above resolutions on the subject of the "Bill for rechartering the Bank of Cape Fear," have had the same under consideration, and beg leave respectfully to REPORT:

The committee are of opinion that if the capital invested in banking be taxed, the tax ought to "bear a due proportion to that levied on land." They know the amount of "State tax" which the "farmers" pay, but there are no means of ascertaining the "county tax;" for it varies according to the wants and necessities of the different counties. They believe, however, that a tax of 25 cents per share of stock, will generally be equivalent to the whole of the land tax, and they therefore recommend to the House to adopt this mode of taxation. This is further advisable, because the stockholders may know what they will be called on to pay, and there will be no opening for angry contests between the Bank and State.

In relation to the 2nd resolution, the committee feel constrained to declare that its meaning is not thoroughly understood. The original act of incorporation provides for the opening of books at certain places to receive subscriptions; the present bill proposes to revive and extend that act, and

gives authority to the stockholders to open books for the purpose of having the "merged stock" retaken; so that it seems to the committee, that the object of this part of the resolution is already attained. With respect to the clause concerning "such regulations as may be necessary to ensure an equal chance to all the good people of N. Carolina," the committee have attentively considered the charter and its amendments, and find nothing to induce a belief that a preference can be given to one citizen over another in the subscription for stock. The motives which caused this resolution, the committee have no disposition to impugn; but its direct tendency is to insinuate an opinion, that the benefit of this charter will be confined to a few individuals. Justice to the respectable gentlemen who manage the Bank of Cape Fear, and to one of the members of this House, who introduced the subject to our attention, compels the committee to say, that no attempt has been made to preclude the "good people of North Carolina" from taking stock.

The committee have also considered the 3d resolution. The acts sought to be re-enacted or repealed are already printed, and not only before the House, but before the whole State. They were read on the passage of the bill, and every member seemed to understand their contents, and the committee are unacquainted with any other more public way of bringing them to the notice of the House. With regard to the clause, "that the good people of this State may plainly see and know what they are," in addition to what has already been said, the committee declare that no effort has been made to deceive the people or their representatives, and that they have too much confidence in the good sense of their fellow-citizens, to suppose that a printed bill in the laws of the land is not as well understood as one written by the committee. They therefore beg to be excused from the further consideration of this resolution.

DILLON JORDAN, Jr., *Chairman.*

REPORT

ON

THE PUBLIC PRINTING.

The select committee, raised by a resolution of this House to inquire into, and report to the Senate, what part of the printing done for the State is executed for the sum regularly paid as a compensation, and what part is embraced under the head of extra printing; likewise to inquire into the expediency of changing the mode of having the public printing executed, and of making a *specific* contract for all that may be required annually, have had the same under consideration, and have procured the following documents and facts:

The paper marked A, contains a statement from the year 1814 to 1833, inclusive, shewing who done the public printing in each year, and what was the stated salary and the amount of extra printing in each year, and the aggregate paid in each year for the public and extra printing.

The paper marked B, contains a statement of all or most of the items constituting the extra printing, the items of printing embraced in the stated salary, and the different laws relative to the public printing.

The committee find in the following acts of Assembly, now in existence and upon our statute books, that in the year 1810 the salary of the Public Printer was fixed by law at the sum of 900 dollars, and so remained until the year 1815, when it was raised to the sum of 1000 dollars, and continued at that sum up to 1826, when the salary was reduced to the sum of 900 dollars, which is the salary now fixed by law. The committee further find that the duties of the Public Printer have been altered and varied from time to time by various legislative acts upon the subject; and that the duties of the Public Printer required by the laws now in force are as follows, to wit: To print a sufficient number of the Journals of each session of the General Assembly to supply each Member thereof with one copy, and the offices of the Governor, Secretary, Treasurer and Comptroller with each one copy; one other copy for each of the Clerks of the General Assembly; a sufficient number of the Acts passed at each session to serve each Member of the General Assembly with one copy, and one copy for each of the public offices and Clerks aforesaid; one copy for every Judge of the Courts and of the Clerks of the County and Superior Courts; one for the Attorney and Solicitor General each; one for every Clerk and Master in Equity; one copy for every Justice of the Peace, Sheriff and Coroner throughout the State; one copy of the Public Laws for the Executive of each State in the Union. It is also the duty of the Public Printer to print for the use of the two Houses of the General Assembly, whilst in session, copies, for every member thereof, of the Rules of Order of their respective Houses, and of such public Bills, Resolutions, Reports or Messages, as they may, from time to time direct; as well as a copy of the titles of the Laws passed at the close of each session, certificate for the attendance of the Members, and alphabetical lists of the

names of the Members for the use of the Clerks. And it is the further duty of the Public Printer to publish in some newspaper printed in the city of Raleigh, as soon as may be after the close of each session, all the Acts of a public nature which have been passed, as well as any Proclamation which may at any time be issued by his Excellency the Governor of the State. And it is further the duty of the Public Printer to have distributed within ninety days after the close of every session of the Assembly all the Laws and Journals thereof. By act of 1824, the further duty is imposed on the Public Printer to attach to the Acts of the General Assembly the Statement of the Revenue of North Carolina agreeably to the Comptroller's Statement, and to publish the same in the State paper immediately after it is reported to the General Assembly. Also, by an act passed in the same year, it is made the duty of the Public Printer, at the close of each session of the Assembly, to render his account in detail of all extra printing of the session, stating each document or paper by him printed as extra work, and the number printed; and with his account shall return one copy of each of the papers so charged for, and make oath that the work charged has been done, and that the prices charged are the fair and usual charges made in this State for such work.

By act of 1827, the Public Printer is to give bond and security, to be approved by the Governor, in the sum of 2,000 dollars. This act also provides that the printing for the Legislature of each session which is not now required by law to be done by the Public Printer for his salary, shall be done by the Public Printer upon the order of either House, and for which he shall be allowed a reasonable compensation, to be adjudged of and allowed by the Governor, Secretary of State, Treasurer and Comptroller, who are constituted a board for that purpose; which said public officers of the State, together with the Adjutant General, are allowed to have printing done for their offices, to be allowed by the board.

The above are all the facts and the laws upon the subject which your committee have been able to collect.

Upon that part of the resolution which required the committee to inquire into the expediency of changing the mode or manner of having the printing for the State done, and of making a specific contract for all that the State may have done annually; upon the first of these inquiries, whether it is expedient to change the mode and manner of doing the printing for the State, your committee are thoroughly satisfied that the present mode of having the extra printing done is not only an improper one, but a very unnecessarily troublesome one, as by the law above recited the printer must keep an account of every species of work done, and submit it, with a probate, attested by some justice of the peace, to the board; and when it is passed upon by them, then to be presented to the Public Treasurer, and by him paid, and then filed in the Comptroller's office; and each account so filed, again inspected by the committee of Finence and punched. The committee therefore believe a change in the manner of having the printing done necessary.

Upon the second enquiry, whether the printing could not all be done for the State by *specific* contract, the committee have satisfied themselves, that all the printing done annually for the State, as well that now embraced in the salary, as that paid for as extra printing, can be done for the sum of sixteen or seventeen hundred dollars, and that a safe contract

may be made for that sum, and the State well secured for the faithful performance of the work.

Your committee beg leave to submit the above documents and facts, as the result of their examination, under the provisions contained in the resolution submitted to them: all of which is respectfully submitted.

W. MONTGOMERY, Chairman.

(A)

Account of the Public Printing, and by whom it has been done, from the year 1814 *to* 1833, *inclusive.*

	Public Printer.	Salary.	Extra Printing.	Total.
		Dollars.	D. C.	D. C.
1814	Thomas Henderson, Jr.	1000	309 39	1,309 39
1815	do do	1000	348 00	1,348 00
1816	do do	1000	180 20	1,180 20
1817	do do	1000	168 50	1,168 50
1818	do do	1000	541 92	1,541 92
1819	do do	1000	446 00	1,446 00
1820	do do	1000	706 18	1,706 18
1821	do do	1000	404 99	1,404 99
1822	do do	1000	819 50	1,819 50
1823	do do	1000	437 35	1,437 35
1824	Joseph Gales & Son	1000	550 22	1,550 22
1825	do do	1000	444 32	1,444 32
1826	Bell & Lawrence	900	434 74	1,434 74
1827	Lawrence & Lemay	900	313 69	1,313 69
1828	do do	900	671 71	1,671 71
1829	do do	900	779 29	1,779 29
1830	do do	900	560 90	1,560 90
1831	do do	900	563 20	1,563 20
1832	do do	900	925 68	1,925 68
1833	Charles R. Ramsay	900	999 26	1,999 26

J. GRANT, *Compt.*

Comptroller's Office, 7th Dec. 1833.

(B)

Different items embraced in the Extra Printing.

Comptroller's Report; Constitution of the State and the United States; Treasurer's Report; Report relative to Roanoke inlet; Report of the Board of Internal Improvements; Memorial of the Trustees of the University; Report of the Roanoke Navigation Company; Report of the Committee of Finance; Statement of the Expenses of the State from 1814 to 1829; Report on the Erection of a portion of Burke and Buncombe; Report on the construction of a Rail Road from Fayetteville to Cambleton;

Statement of the Affairs of the Banks; Adjutant General's Report; Exhibit showing the amount of Dividends and Bonus of the Banks; Report of the amount of Dividends and Bonus; Report on incorporating Gold Mining Company; Report of the Committee on Education; Report relative to the Removal of Free Persons of Color; Report of the Committee on the University; Report on the establishment of Mint; blank Land Grants; commissions for Company Officers; testimonials; commissions for Governor's Aids; do. Justices of the Peace; do. Field Officers; do. Major Generals; do. Brigadier Generals; do Quarter Master Generals; do. for Division Inspectors; do. Brigade Inspectors; do. for Aids to Brigadier Generals; do. for Camp Major Generals; do. for Notary Publics; blank orders suspending execution of Land Grants; blank commissions for Commissioner of Wrecks; do. for Subaltern Officers of Cavalry; do. for Artillery Officers; resolutions requesting Members of Congress to use their endeavors to induce the General Government to undertake the re-opening Roanoke Inlet; act authorising the appointment of Commissioners to take the acknowledgment of Deeds, &c. in other States, &c.; circular transmitting the Mecklenburg Declaration of Independence and Journal of the Provincial Congress; commissions for Members of Congress; blank Land Certificates; blank Land Receipts; blank Receipts for Members of the Assembly; attaching to Acts of the Assembly the Comptroller's Statement of the Revenue; attaching the Public Treasurer's Report to ditto; printing 87 copies of Journal of the Proceedings of the Provincial Congress; Adjutant General's Abstract of the Annual Return of the Militia; Major General's do.; Brigadier General's do.; Abstract of the Annual Return of Artillery; Abstract of Colonels' Annual Return of the Militia; statement of the nett amount of Public Taxes; list of the Sources of Revenue; receipts for Purchase of Lands; blank receipts from Sheriffs for Taxes; notice of Proposals will be received for furnishing Wood for the Legislature; Land Certificates; Sheriffs' Receipts for pay in making Returns of Presidential Election; certificates of Money paid Treasurer for Entries of Land; blanks for Sheriffs' Settlements.

REPORT

OF THE

COMMITTEE ON EDUCATION & THE LITERARY FUND.

The Committee on Education and the Literary Fund, to whom was referred so much of his Excellency the Governor's message as relates to that subject, and also the report of the President and Directors of the Literary Fund, REPORT:

That they have examined the law establishing the Literary Fund of this State, and considered of the question presented in the Governor's message, with much care and attention; and your committee are all clearly of the opinion, and well satisfied, that whatever might have been the intention of the framers of the law of 1825, still the law itself does give, and has transferred, not only the proceeds of the vacant and unappropriated swamp lands in this State to that fund, but that the land *itself* is, by law, conveyed, and is now the property of the Literary Fund, set apart, by law, for the establishing of common schools.

Your committee perceive, by a reference to years past since the said fund was created, that there has been a slow and gradual increase of the same; and in no three years together has the increase from all sources been so great as that of the past year, which has been entirely owing to a dividend of a part of the stock in the Bank of Newbern and the State Bank of North Carolina, on shares belonging to the Literary Fund.

Your committee were anxious to recommend some method both by which the number of children in the State, now without the means of education, could be properly ascertained, and also, if possible, to devise some plan by which a course of common schools should be commenced throughout the State, for the benefit of those who are unable to procure a common education. But in viewing the extent of territory within our limits, and the population it contains, with a due regard, not only to the amount of available funds, but also to a proper and prudent management of the same, so as to answer the wise and benevolent purpose intended by the law creating the fund, your committee believe they would be doing injustice to the intention of the framers of the law and the object they had in view, to recommend any plan or course of expenditure, so as to diminish the principal sum in the support of schools. Although your committee believe there is an anxious solicitude on the part of all (and on the part of none more than each member of your committee) to impart instruction from the bounties of the State to those unable to obtain the benefit of schools, and to strew, as it were in broad cast, the benefits of education into every cottage throughout the country, and to bring the means within the reach of every poor man's door; still your committee are constrained to say that the

only wise and safe course the Legislature can pursue, is to forbear engaging in any general plan of establishing common schools, until any course which may be adopted can be supported by expending the interest, and no more, in carrying on the same; otherwise the influence and benefits of the system must be partial in its effect and short in its duration.

Your committee have duly considered the plan recommended by the President and Directors of the Literary Fund, in their report, in regard to the vacant and unappropriated swamp lands of this State, with reference also to the quantity mentioned in the Governor's Message; and as one great object and desire on the part of your committee is, if possible, to devise ways and means to increase the amount of the Literary Fund, until the annual interest arising therefrom will be sufficient to justify an undertaking so desirable, of so much importance, and of so much general usefulness to the younger classes of society, hundreds of whom, though poor, are children of much promise, your committee are therefore of the opinion that the most probable means of increasing the principal amount of the fund is to effect the draining some of the lakes or swamp lands in this State, and thereby become enabled to bring into market a considerable quantity of the most valuable property now belonging to the Fund, and which must remain wholly unavailable and worthless until some such enterprise is accomplished; and your committee are induced to believe, from information derived in various ways, that the lands, when thus drained, will be of a highly fertile character, and will command the highest prices for cultivation; perhaps from five to fifteen or twenty dollars per acre. Your committee have, therefore, been brought to believe, that, although it might and would be far better to adopt the plan recommended by the President and Directors of the Literary Fund, rather than suffer those extensive bodies of vacant and unappropriated swamp lands to remain untouched by public, and placed as they are beyond individual enterprize; but your committee think that, from the examinations and surveys already made, the prospect of success in an attempt to drain those lands is now clothed with a sufficient certainty, or at least probability, to render it unadvisable for the State to part with so large a portion as one half of all the lands which might be drained by the plan recommended; and, therefore, your committee, under all the circumstances, believe it the far preferable course for the attempt to be made at the instance of the public, and at the expense of the Literary Fund at once, which, upon the lands being laid bare by draining, would increase the capital of that fund to an amount which, in the opinion of your committee, would well justify the hazard of the undertaking. Your committee, therefore, think the President and Directors of the Literary Fund, who, by law, consist of the Governor, Chief Justice of the Supreme Court, the Speakers of the two Houses, and Treasurer of the State, should be vested with power to appropriate any sum not to exceed $30,000, to be expended in draining any of the vacant and unappropriated swamp lands in this State, which, in their estimation, may be deemed most advisable, and most likely to result to public advantage.

Your committee, therefore, ask leave to report the accompanying resolution upon the subject, and recommend its adoption.

GEO. C. MENDENHALL, *Chairman.*

RESOLUTION

Authorising the President and Directors of the Literary Fund to drain the swamp lands.

Resolved, That, in the opinion of this Legislature, all the vacant and unappropriated marsh and swamp lands in this State were, by the law passed in 1825, actually transferred, and do now belong to the Literary Fund of this State.

And whereas there are large tracts of marsh and swamp lands belonging to said Literary Fund, which, from their situation, cannot be of advantage, or become in any manner available, without draining the same, and the draining said lands being, by law, placed beyond the reach of individual enterprize; and whereas it is believed to be an act of justice to the citizens, and a prudent course to be pursued, that an attempt be made to drain said lands or a part thereof: Therefore it is further

Resolved, That the President and Directors of the Literary Fund be empowered, and they are hereby authorised to expend of said Fund, any sum not exceeding thirty thousand dollars, in the draining of any of the vacant and unappropriated swamp lands belonging to said Literary Fund, which they may deem advisable.

REPORTS

OF

THE COMMISSIONERS

WHO

REPRESENTED THE STATE

AT THE

ANNUAL MEETINGS OF THE STOCKHOLDERS

OF THE

STATE BANK OF NORTH CAROLINA

AND THE

BANK OF NEWBERN.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1838.

To the General Assembly of the State of North Carolina.

GENTLEMEN,

I transmit, in the accompanying file, marked A, the report of Romulus M. Saunders, Esquire, who represented the State at the annual meeting of the stockholders of the State Bank of North Carolina, in December last, and the joint report of William H. Haywood, Jr. and Spier Whitaker, Esquires, the commissioners who represented the State at the annual meeting of the stockholders of the Bank of Newbern. From Joseph A. Hill, Esq. the commissioner who attended the annual meeting of the stockholders of the Bank of Cape Fear, no report has yet been received.

In accordance with the suggestions of the Attorney General, contained in the report above mentioned, a suit has been instituted in Wake Superior Court of Equity, which is now pending, and will be ready for hearing at the approaching term of the Supreme Court. The points of controversy are so fully stated by the Attorney General, in his report on the subject, and in the report submitted to the General Assembly at the commencement of the Session by the Public Treasurer, that it is only considered necessary to call your attention to them.

No Bill has yet been filed to correct the errors in the accounts and settlements between the State and the Banks of Newbern and Cape Fear. I understand, however, that the resolution of the last General Assembly has not escaped the attention of the Attorney General, and that he will, in due time, adopt such measures as he may consider best calculated to promote the public interest.

An annual meeting of the stockholders of the State Bank was held in this City on Monday, the second instant, and adjourned over until the second Monday in February next. Gavin Hogg, Esquire, attended as commissioner on the part of the State, from whom I learn that the propriety of making a second dividend of the capital stock of that institution, will be considered at the adjourned meeting referred to.

In file B. will be found a letter from E. Littell, Esquire, of Philadelphia, suggesting "a plan for a substitute for the notes of the Bank of the United States, and eventually as a substitute for all bank notes;" which is communicated to the General Assembly in compliance with the request of that gentleman.

I have the honor to be,
With high consideration,
Your obedient servant.
DAVID L. SWAIN.

EXECUTIVE DEPARTMENT,
December 11, 1833.

REPORTS.

(A)

To his Excellency D. L. Swain:

As a Commissioner appointed to represent the stock of the State in the different general meetings of the stockholders of the several Banks in the State, I have the honor to report, that I attended the annual meeting of the stockholders of the State Bank in November last, when the meeting was adjourned to the second Monday of the present month, with the view of considering the propriety of dividing a part of the capital stock of said Bank.

By the act of 1829, the stockholders are authorised, after the first of January, 1833, to divide their stock, provided the capital shall not be reduced to a less sum than the amount of debts due from the said Bank.

From an expose made of the condition of Bank, it appears that the debts due from Bank, in notes in circulation, deposites and unpaid dividends, at the time of the meeting, was - - - - $785,087 65
nearly equal to 7,831 shares of stock, leaving a balance to be divided of 8,169 shares.

The stockholders, however, determined to declare a dividend of $50 on each share, making the sum of - - - - $800,000 00

But the Bank holds, by purchase, 1154 shares, on which the dividend will of course be retained, making	57,700 00	
There are also 1451 shares pledged to the Bank for debts due, making the amount to be retained for these shares	72,550 00	
There are also due from the State for stock unpaid, for which the stockholders propose retaining	83,906 11	
Making the amount proposed to be retained the sum of		214,156 11
Leaving to be paid the sum of		585,843 89
To pay this sum, the Bank has on hand—		
Specie	88,200 10	
Notes of other Banks	309,255 17	
Foreign Bank credits	317,441 45	
		714,896 72
Leaving an overplus, as an available fund, the sum of		129,052 83

Besides $105,988 23 in bills of exchange, together with a large amount of business paper and notes, that will soon come to maturity, independent of collections from its accommodation paper.

The amount of notes in circulation is only 690,372 dollars; so that no danger can arise of any run upon the Bank from this source. I felt it, therefore, my duty to vote for the dividend of 50 dollars on the share.

I consider it my duty to state that a difference of opinion arose in the meeting between a majority of the stockholders and myself. By the act of incorporation, passed in 1810, the Treasurer was authorised to sub-

scribe, in behalf of the State, for 2,500 shares, to be paid for in United States' stock, gold and silver, and the residue "at such time or times as it may be convenient for the State to pay for." In 1811, this charter was amended, in which it was provided that the State should pay 4 per centum on such part of her stock as should remain unpaid for, to be retained out of the dividends of the State. That she has since, at different times, by means of Treasury Bills, dividends and otherwise, paid the whole of its original subscription, excepting the sum of $83,906 11. The whole amount of shares now owned by the State (including 282 shares in the name of the Literary Fund) is 3,046 shares.

It is contended, and so resolved by a majority of the stockholders, that from the dividend which will be due the State, there shall be retained a sum equal to its stock unpaid for; whilst it was contended on my part, that, by the amended charter, whatever may have been the ability of the State, she was not required to pay for any more of her original subscription than she saw proper, charged as she was with the four per cent. on such part as she omitted to discharge. As the stock is not likely to repay its par value, it is a matter of some interest to the State, that she should not now pay the above bala[illegible] and if it shall meet the views of the proper departments, I shall, as [illegible]orney General, take the necessary steps to have the question settled by the proper judicial tribunals.

With great respect,
Your obed't serv't.

R. M. SAUNDERS.

January 17, 1833.

His Excellency D. L. Swain.
Raleigh, N. C.

Raleigh, 1st July, 1833.

To His Excellency the Governor of North Carolina.

The undersigned, being appointed "Commissioners to represent the State in any meetings of the stockholders of the several Banks of this State," did, in obedience to the request of your Excellency, attend a meeting of the stockholders of the Bank of Newbern, at the town of Newbern, on 7th January, 1833.

Your Excellency has been informed personally of the results of that meeting, which it is our duty now to communicate in a different form.

In submission to the views of your Excellency, conveyed to us by a letter, dated January, 1833, we cast the vote of the State against making any dividend of the capital stock of the Bank during this year. Our opposition, however, was ineffectual. The Bank capital had been reduced, by purchases of its own stock from debtors, to 7062 shares on 31st December, 1832; and on these shares a dividend was declared, equal to 25 dollars per share, and payable at the Bank on 1st March, 1833. The whole amount of this dividend is $176,550; but a large part of it, to wit: 48,975 dollars, was payable to the State, and (as no provision has been made for re-investing it) will remain in deposit at the Bank,

and therefore help to sustain the credit of the institution. For although the Bank, by this act, does nominally incur the hazard of withdrawing from the control of the institution 176,550 dollars of their funds, it has withdrawn in fact less than 128,000 dollars. It is plainly true that the Bank enjoys the same benefit from this state of things that could grow out of a loan of 48,975 dollars, for one year, without interest; while it is equally certain that the State sustains no loss which she would not have suffered in case there had been no dividend.

It appeared, from statements laid before the meeting, which were examined and reported on by a committee, that the liabilities of this institution (for *capital stock*, deposites, notes in circulation, dues to other Banks, and former dividends of profits not called for) amounted, on 31st December, 1832, to 1,050,083 dollars; and the whole amount of funds of the Bank (consisting of debts due to it by individuals, credits with other Banks, bills of exchange, specie, real estate, and the notes of the Bank of the United States,) amounted, on the same day, to 870,053 dollars; which exhibits a loss on the capital stock of 180,030 dollars, or $25 49 per share. It seemed to be the opinion of all the stockholders present in the meeting, that the debt due by individuals, and included in this estimate, is remarkably well secured; and it is, perhaps, one of the soundest debts of the same amount in the United States.

This institution has paid no dividend of profits since June, 1829; but it must not be inferred that during this period no profits have been made.—The fact is otherwise. Indeed, it appears that, from June, 1829, to 31st December, 1832, the balance to credit of profit and loss amounts to 150,241 dollars, which is equal to more than 6 per cent. per annum on the capital stock at par, and exceeds 9 per cent. per annum on the *estimated value* of the capital stock. Moreover it should be remarked, that by valuing the stock at 65 dollars per share, and deducting the dividend of capital herein stated, the residue of 40 dollars per share will be less than the stock in this Bank is worth, viz. the estimate now fixed on the stock, according to the amended charter of the Bank, passed in the years 1828 and '9, is lower than its present real value. This is more manifest when it is remembered that the debt due to the Bank, and bearing an interest of 6 per cent., is between 600,000 and 700,000 dollars, and the expenses of the institution do not exceed 7,000 dollars per year. Assuming this debt at 650,000 dollars, the annual interest is 39,000 dollars; and deducting the expenses, or 7,000 dollars, it leaves 32,000 dollars per year profits for interest, to be divided among 7,062 shares of 40 dollars each, viz. $4 53 per share, which is equal to 11⅓ per cent. This result cannot be regarded as precisely accurate; but for several years it may be, and probably will be, more favorable to the stockholders than is here stated.

It has always been the practice of the Bank of Newbern to charge the tax imposed by the charter upon the stock of *individuals* against the profits of the whole *institution*. The effect of this is to decrease the value of the State's shares in the capital stock. This practice is still pursued. Now, if the tax is a proper charge only against that part of the stock upon which it was imposed, and is not a proper charge against the State shares also, upon which no tax has ever been imposed, it deeply concerns the State to cause the accounts to be corrected in this respect be-

fore a final, and perhaps even before any other division of the capital stock of the Bank.

The difference between charging these taxes to the corporation and charging them to the stock of individuals, alone, will be very considerable. The information necessary for making an estimate of this difference, could not be had at Newbern during our visit, but it may be procured at the office of discount and deposite in Raleigh, and at the Comptroller's office. It does not belong to us to determine the question referred to, as it depends entirely upon the true construction of the act of incorporation by which the capital of the Bank of Newbern was increased, and their term of existence enlarged; but we perceive that our Legislature have drawn the attention of the proper officers to this subject, and therefore it seemed proper that we should communicate to your Excellency this state of the facts.

As the officers of the Bank are required by law to make regular statements to the Treasurer, we have deemed it useless to enclose to your Excellency those which were presented before the stockholders; but they were recorded at length by the Secretary of the meeting, and our oversight (if it be one) can be readily supplied at the Bank.

Your Excellency knows [illegible] that we were unable to attend the meeting of the stockholders [illegible] Bank of Cape Fear, because it also occurred on 7th January, at the town of Wilmington. We venture to suggest that it might hereafter be important that the "Commissioners appointed to represent the State," &c. should be all present at the meetings of the stockholders of both these institutions; and yet it is impossible for them to do so, unless the time at which one of them is hereafter to take place shall be altered by law.

Very respectfully,

Your ob't serv'ts.

WILL. H. HAYWOOD, Jr.

SPIER WHITAKER.

STATEMENTS

OF

THE AFFAIRS

OF THE

NEWBERN & STATE BANKS,

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1833.

Treasury Office, N. C.
17*th December*, 1833.

SIR,

I have the honor herewith to transmit to the General Assembly statements of the affairs of the Bank of Newbern and of the State Bank of North Carolina, received at this office since the date of the annual report of the Public Treasurer.

I have the honor to be, sir,
Very respectfully,
Your obedient servant.
W. S. MHOON.

The Hon. the Speaker
of the House of Commons.

An Exhibit, showing the situation of the State Bank of North Carolina, 19th November, 1833.

		D. C.		D. C.
Specie,	$122,665 73		Capital stock,	798,775
Other Bank notes and Bills of Exchange,	180,362 16		Notes in circulation,	377,722
Other Bank credits,	81,628 28	384,656 17	Profits reserved to cover bad debts, losses on real estate, and out of which the present dividend of 2 pr. ct. is payable,	160,918 60
Bank stock taken for debt,		44,215	Due to deposits and dividends unpaid,	215,966 22
Due by individuals for notes, discounted, &c.		990,982 93	Due to other Banks,	5,610 58
Real estate,		136,753 52		
Internal bills and checks,		2,384 78		
		1,558,992 40		1,558,992 40

CHAS. DEWEY, Cash'r.

To Will. S. Mhoon, Esq. Pub. Treas. N. C.

An Exhibit of the affairs of the Bank of Newbern, taken on Saturday, 30th November, 1833.

	Dolls.		Dolls.
Amount of bills receivable,	467,682	Capital stock 7,062 shares, or $706,200	
Do. of real estate,	27,900	Loss by dividend of capital of 25 pr. ct. 76,550	
Do. individual debt,	20,000		529,650
Due from Foreign Banks,	121,892	Amount of the deposites,	125,335
Due on Bills of Exchange,	81,313	Due to Foreign Banks,	495
Amount of specie,	23,307	Do. to dividends on profit and loss,	503
Do. of notes of U. States Bank, &c.	14,281	Do. to dividend on capital of 7th January,	7,700
Balance, loss of	151,995	Do. to Newbern Bank notes in circulation,	244,687
	908,370		908,370

Bank of Newbern, December 12th, 1833.

Wm. S. Mhoon, Esq. Public Treasurer,

SIR,

The above account of the affairs of this Bank represents only such debts as are deemed to be good.

With great respect,

Your obedient servant.

JNO. W. GUION, Cash.

ANNUAL REPORT

OF

THE TREASURER

OF THE

UNIVERSITY

OF

NORTH CAROLINA.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

1838.

To the General Assembly of the State of North Carolina.

GENTLEMEN,

In compliance with an act of Assembly, relating to the University of North Carolina, I herewith transmit a copy of the annual Report of the Treasurer of that institution, submitted to the Board of Trustees on the 10th inst. The accounts of the Treasurer have been examined and found to be correct, and to be sustained by regular and proper vouchers.

There are at present two vacancies in the Board of Trustees, which can only be supplied by the Legislature.

I have the honor to be,
With high consideration,
Your obedient servant.

D. L. SWAIN.

Executive Department,
19*th December*, 1833.

REPORT.

RALEIGH, 21st Nov. 1833.

To the President and Board of Trustees
of the University of North Carolina:

GENTLEMEN:

I have the honor to inform you that the receipts at the Treasury of the University, within the past year, embracing a period from the 20th Nov. 1832, to the 20th Nov. 1833, amount to the sum of - - - - - $29,972 26

Which sum being added to - - - 3,155 59

The balance in the Treasury unexpended, on the last annual settlement, viz. on the 20th Nov. 1832, forms an aggregate of - - - 33,127 85

That the disbursements within the same period am't to 29,970 90

Leaving a balance in the Treasury, at the close of the said year, viz. on the 20th Nov. 1833, of - 3,156 95

Which balance is deposited and stands to the credit of the Treasurer of the University in the Bank of Newbern at Raleigh.

The receipts at the Treasury as aforesaid, consist of the following items, viz.

$8,864 00 received of Samuel Dickins, Esq. of Tennessee, on account of sales of western lands.

285 85 of Dr. James Webb, for lands sold in Orange county to sundry individuals.

73 00 of Rob't H. Burton, Esq. of Lincoln, for the sale of Unaught's land.

15,208 56 the proceeds of the sale of the balance of the Bank stock owned by the Trustees.

125 00 of John M. Jones, of Edenton, for the purchase of a lot in Edenton.

4,725 60 being the nett proceeds of a loan effected at the U. S. Bank at Fayetteville, for the purpose of discharging the balance of the judgment obtained against the Board by the State Bank of North Carolina.

280 00 of James A. King, Esq. of Iredell, being money belonging to the Trustees, and by him collected of David Ramsay, as administrator of Patrick Graham.

125 00 of Col. Wm. Polk, collected by him for the rent of the Girard lands in Tennessee.

285 25 of John M. Dick, Esq. of Guilford, for the sale by him of certain escheated property in Randolph county.

The expenditures at the Treasury as aforesaid, have been incurred in repaying the loan to the United States' Bank, and discharging the other Bank debts of the Board, in paying the salaries of the Faculty and other officers of the Board, and sundry other ordinary and contingent charges on the Treasury: all which said several items of receipts and disburse-

ments, and how and when the same were received and disbursed, are more fully and distinctly exhibited in the annual account current and vouchers accompanying and forming part of this Report.

In pursuance of a resolution of the Board, the whole of the Bank stock held by the Trustees, being 241 shares of the capital stock of the Bank of Newbern, was, on the 1st of April last, sold at public auction, when Mr. John Snead, of Newbern, became the purchaser of 50 shares, at $62 65 per share, also of 81 shares, at $63 26; Col. Wm. Polk of 100 shares, at $63 26; and Mr. Alfred Jones of 10 shares, at $62 60 per share; making a total sum, as before stated, of $15,208 56; which sum was forthwith paid to the State and Newbern Banks, viz. $10,084 50 to the State Bank, and $5,124 06 to the Bank of Newbern. For the balance of the debt due the State Bank, a suit was instituted against the Board, in Wake County Court, and upon judgment being had, the sum before mentioned was borrowed of the U. S. Bank at Fayetteville, which, with other funds at that time in the Treasury, discharged the said judgment and costs.

Upon the receipt, at the Treasury, of funds from Mr. Dickins, in October last, the U. S. Bank debt was fully paid off, and the Newbern Bank debt renewed and reduced; and the Treasurer has the pleasure of congratulating the Board upon the near approach of the institution to a total exemption from bank debts. The Board still owes the Bank of Newbern at Raleigh $1,500, payable in April next.

I have the honor also to lay before the Board statements from the superintendents, at Chapel Hill, exhibiting the amount collected by them from the students for tuition and room rent. This sum, for the two sessions of 1833, amounts to $3,112 50; which has been disbursed by the said superintendents among the Faculty in part payment of their salaries.

I received from Col. Wm. Polk, upon his late return from Tennessee, four several bonds of $500 each, made by Benjamin Kelly, of Stewart county, Tenn. dated 3d Sept. 1833, and due in four annual payments. These bonds are all payable to Col. Polk, and have by him been endorsed to the Trustees.

It is understood that these bonds have been taken for the purchase of a part of the Girard lands belonging to the Trustees; all which will be fully explained to the board by Col. Polk himself.

In obedience to a resolution of the Board, adopted at Chapel Hill in June last, a copy of which was forthwith communicated to Mr. Samuel Dickins, I have the pleasure of laying before the Board a very elaborate and satisfactory document from that gentleman, exhibiting the state and condition of the University lands and other funds of the institution in that quarter.

I have the honor also to lay before the Board a file of promiscuous papers, received during the past year, embracing memorials, reports and letters upon subjects connected with the institution under your care.

And am, gentlemen,
With the highest consideration,
Your obedient servant.

CHAS. MANLY, *Treas. Uni. N. C.*

REPORT

OF THE

JOINT SELECT COMMITTEE

ON

INTERNAL IMPROVEMENTS.

Mr. HINTON, from the Joint Select Committee on Internal Improvement, submitted the following Report:

The Joint Select Committee, to whom was referred the Memorial of the Convention on Internal Improvement, have had the same under consideration, and respectfully submit the following REPORT:

They concur in the feelings and sentiments expressed by the memorialists, and believe that an economical system of Internal Improvement would promote the interests and elevate the character of North Carolina. With a fertile soil and a climate adapted to a great variety of valuable productions, with mineral resources entirely unequalled in any other portion of the continent, with an industrious and intelligent population, the State has lagged behind her sisters in every thing calculated to increase the happiness of the people or to throw a lustre on our institutions. At present, there is not a single class of citizens, which can be considered in a prosperous condition. A few are wealthy, and many are in comfortable circumstances; but the thrift displayed by other States is not visible in our borders, improvement in agriculture and the mechanic arts is not even attempted, and intellectual advancement is retarded by poverty and listlessness.

No section of the State enjoys a cheap and easy access to a good market. If the labors of the planter are blessed with a rich return, his profits are consumed by the time and expense of getting his crop to the merchant. In summer our rivers are too shallow for the smallest craft, and when swelled with the rains of winter, they are dangerous and uncertain in their navigation; so that the farmer is constrained to the expensive and wearisome transportation practised by our forefathers. The cost of this mode, in comparison with artificial means, (as canals and rail roads,) the committee are unable to estimate; they can only refer the General Assembly to the experience of other countries, and a few facts, far more instructing and eloquent than their own theories. The eastern part of N. Carolina is supplied with flour from

the neighborhood of lake Erie. When this country was a wilderness, that market was furnished by the farmers of James River and the more western counties, and the change must be attributed to the canals of New York. If similar works were constructed in this State, not only would the northern article be driven out of use, but our produce would compete with the New Yorker in the foreign market. The same remark will apply to other agricultural productions. Our soil is as good as that of the north, our climate much better, and our people as intelligent as their northern brethren. It then appears that the sum paid by the inhabitant of North Carolina, for reaching a place of sale, is not expended by the citizen of other States. This must inevitably create a great disproportion in the relative profits of industry, and cause a wide difference in the aspect of the opposite sections of country.—But it has been said that the State is poor, and that her population is too scattered to sustain costly works. To this, it may be answered, that the western and northern canals have frequently traversed regions less populous than ours, and less productive. They kept the youth of the country from emigration, and the facility of attaining a ready market, brought into existence thousands of fine farms and laid the foundation of many flourishing villages. But the committee need not dwell on the advantages of artificial means of internal communication. The splendid results which have followed the bold enterprise of the other States, are well known, and will have their due weight with the Legislature.

Another object of Internal Improvement should be steadily kept in view, to wit: the building up of cities and towns in our territory. The committee do not attack the freedom of trade. The people should be allowed to carry their produce where the best price can be obtained, or whither they are led by feeling and inclination. But there is a great difference between the privilege of unrestricted commerce, and the conferring of advantages on foreign markets. While the one should be cheerfully granted, the other should be proudly banished from our legislation. The anxiety of towns in neighboring States to get possession of our trade, proves its value and importance. The gain arising from the purchase of our products, and the furnishing our people with the necessaries and luxuries of life, must be large, and, if possible, should be kept in our own State and enjoyed by our own citizens. There are ports and harbours in North Carolina equal, if not superior, in many respects, to those of Virginia and South Carolina; and if a system of Internal Improvement be commenced, to these points our trade should be directed. Such a policy is called for by interest, and should be sanctioned by pride and feeling.

From the days of Romulus to those of Peter of Russia, cities have been considered indispensible to States and Empires. N. York is within sight of the shores of Connecticut; but it cannot be pretended that this metropolis is not infinitely more useful to the State, whose name she bears, than to the one just mentioned. If cities should arise on our eastern coast, the taxable property there collected would materially

assist our financial operations; otherwise, our friendly neighbors, already much richer and more powerful than ourselves, will enjoy the benefit of wealth produced by the exchange of our productions.—Towns are not only the seats of monied capital and varied enterprise, but in them is found the focus of genius and intellect. Thither converge the rays of mental light; there they burn with the brightest flame, and produce the most powerful effects. Should this happen in North Carolina, a more glorious era will commence. While the wealth and enterprise of our merchants will excite industry, and bring to light the latent resources of the State, and promote noble improvements, a higher tone will be given to our public councils, men of learning will create a taste for scientific and literary pursuits, and our character will be regarded with pride and satisfaction.

This is further recommended, by the expediency of uniting the different parts of the State into a harmonious whole, possessing one interest, actuated by one feeling, and ardently bent on one object—the honor and happiness of North Carolina. If the mountaineer could be brought in contact with the lowlander, if dealings could take place between them, if the rites of hospitality could alternately be performed, geographical division would be forgotten, and civil animosity would subside.

Though the committee are thoroughly convinced of the utility of Internal Improvement, and though their anticipations of the future are of the brightest description, yet they fear that precipitate movements might be attended with disastrous consequences. The public mind is aroused, men of intelligence are investigating and explaining the subject, and the current is decidedly in favor of the patriotic cause. Caution, prudence, and enlightenment of the public mind, will render it irresistible; and, therefore, they deem it advisable not to make appropriations for any specific plan during the present session. Besides, the whole State should be surveyed by competent engineers, the routes designated by the memorial, as well as others, estimates of the cost of particular works should be made, in order that the ensuing Legislature may have data on which it may act, and not commence projects, whose end and importance is not understood. The committee, therefore, recommend the passage of the accompanying bill.

A STATEMENT

OF

THE ESTIMATED VALUE

OF

THE FUNDS

OF THE

STATE OF NORTH CAROLINA.

RALEIGH:

Printed by Lawrence & Lemay,

Printers to the State.

1833.

Treasury Office, N C.
24th Dec. 1833.

To the Honorable the Speaker of the Senate of North Carolina.

Sir,

In obedience to a resolution of the Senate, directing "the Public Treasurer to report to the Senate the whole amount of stock held by the State in incorporated companies, specifying the amount in each company, with the market value of the same, as nearly as it can be ascertained; also the several sums or debts due the State, and whether the collection of the same or any part thereof be in his opinion doubtful," I have the honor to submit the enclosed Statement.

Owing to the scarcity of monied capital in N. Carolina, and the great disinclination of individuals to embark in speculations of this nature, and, of consequence, almost the total absence of any thing like a market for stocks, there has been great difficulty in arriving at any conclusion as to the market value of the stock owned by the State; and in many instances, where sales have been made, the price of the share has seemed not to bear a proper proportion to the annual dividends of profits. For instance, the stock of the Roanoke Navigation Company has yielded, in the whole course of the existence of the company, but two dividends, of one and three quarters per cent each; one in November, 1831, and one in November, 1833. Yet this stock sells for fifty dollars per share, and, it is believed, is increasing in value. On the other hand, the stock of the Buncombe Turnpike Company has yielded about eight per cent. per annum; but I have known no instance of a sale for more than one half of one per cent advance on its par value. The dividends declared on the stock of the Cape Fear Navigation Company, the unlimited duration of their charter, and the relief afforded by a late decision in their favor, would also seem to warrant a higher valuation than the one stated; but care has been taken, in each instance, to avoid two high an estimate.

I have the honor to be,
With high consideration,
Your ob't serv't.
W. S. MHOON.

A STATEMENT, showing the estimated value of the funds belonging to the State of North Carolina, on the 1st day of November, 1833, furnished in compliance with a resolution of the General Assembly.

		Dolls. C.	Dolls. C.
3,050 shares of State Bank stock, original value	$305,000 00		
Deduct dividend of 50 dollars per share,	152,500 00		
Present nominal value,	152,500 00		
Estimated value, at 45 dollars per share,		137,250 00	
1959 shares Bank of Newbern stock, original value	195,900 00		
Deduct dividend of 25 dollars per share,	48,975 00		
Present nominal value,	146,925 00		
Estimated value, at 47 dollars per share,		92,073 00	
2122 shares of stock in Bank of Cape Fear, original value	212,200 00		
Estimated value, at 95 dollars per share,		201,590 00	
			430,913 00
Stock subscribed by the State in the several Navigation, Canal and Turnpike Companies.			
500 shares stock in Roanoke Nav. Co. subscribed for at 100 dollars per share,	50,000 00		
Estimated value, at 50 dollars per share,		25,000 00	
150 shares stock in Cape Fear Nav. Co. subscribed for at 100 dollars per share, 15,000			
500 do do do do at 50 dollars per share, 25,000			
	40,000 00		
650 do do estimated value, at 25 dollars per share,		16,250 00	
250 do do Yadkin Nav. Co. subscribed for at 100 dollars per share.			
175 do do Clubfoot and Harlow's Creek Canal Company, subscribed for at 100 dollars per share.			
12 do do Tar River Nav. Co. subscribed for at 100 dollars per share.			
18 do do Neuse River Nav. Co. subscribed for at 100 dollars per share.			
24 do do Catawba Nav. Co. subscribed for at 100 dollars per share.			
The five last named items are not believed to be worth any thing.			

		Dolls. C.	Dolls. C.
100 shares stock in Buncombe Turnpike Company, subscribed for at 50 dollars per share,	5,000 00		
Estimated value, at 50 dollars per share,		5,000 00	
100 shares stock in Plymouth Turnpike Company, subcribed for at 25 dollars per share,	2,500 00		
Estimated value, at 10 dollars per share,		1,000 00	
			47,250 00
Loans, Debts, &c.			
Amount loaned to commissioners of Old Fort Road, secured by bond and individual security,		2,000 00	
Amount loaned to proprietors of Tennessee River Turnpike Company, secured as above,		2,000 00	
			4,000 00
A loan of 18,000 dollars has been made, to the Clubfoot and Harlow's Creek Canal Company, for which a mortgage on the canal and other property of the company has been taken—real value doubtful.			
Judgment for $17,740 40 against John Haywood, former Public Treasurer, not regarded as worth any thing.			
Bonds given for the purchase of land and negroes, bearing interest from their respective dates,	$2,369 85		
Estimated interest on same,	700 00		
		3,069 85	
Bonds given for sale of Furniture at Government House,		349 82	
Balance due on Cherokee Bonds, which it is thought may all be collected ultimately,	32,034 67		
Estimated interest on ditto, allowing for reservations,	17,298 00		
		49,332 67	
Unsettled claim against U. States, amount to be collected uncertain.			
Amount of claim against the State Bank, which will be in part cancelled by dividends of capital, say		14,263 00	
			67,015 54
Amount of cash reported to be in the Treasury, on the 1st November, ultimo,			175,881 14
			725,059 48

W. S. MHOON, Public Treasurer.

Treasury Office,
24th Dec. 1833.

REPORT

OF THE

JOINT SELECT COMMITTEE

RELATIVE TO

THE CHEROKEE INDIANS.

The Joint Select Committee to whom was referred so much of the Governor's Message as relates to the Cherokee Indians, have had the same under consideration, and respectfully REPORT:

That they have had the subject under consideration, and submit the accompanying memorial as the best mode of settling all difficulties with the Indians, and recommend the adoption of the following resolution:

Resolved, That the Governor transmit a copy of this memorial to each of the Senators and members of the House of Representatives from this State in Congress, with a request that they present the same to both Houses of Congress.

J. W. GUINN, Chairman.

MEMORIAL

To the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the General Assembly of the State of North Carolina respectfully represents: That at the close of the Revolutionary War, the territory composing the sovereign and independent State of North Carolina, was bounded on the east by the Atlantic, and on the west by the Pacific Ocean; on the north by a line beginning on the sea shore in the southern boundary of Virginia in 36 deg. 30 m. north latitude, and thence west to the Pacific Ocean; and on the south by a line beginning on the sea side at a cedar stake, at or near the mouth of Little River; thence a northwest course through the boundary house, which stands in 33 deg. 56 m. to 35 deg. north latitude; and thence west to the Pacific ocean. The Congress of the United States having repeatedly recommended to the

respective States in the Union, owning vacant western territory, to cede the same to the United States, an act was passed by the Legislature of this State, at its session in the year 1789, authorising certain commissioners to convey to the United States all those lands situate within the chartered limits of North Carolina, being west of a line, beginning on the extreme height of the Stone mountain, at the place where the Virginia line intersects it; thence along the extreme height of said mountain, to the place where the Watauga river breaks through it; thence a direct course, to the top of the Yellow mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron mountain; thence along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald mountain; thence alone the extreme height of said mountain, to the Painter Rock, on French Broad river; thence along the highest ridge of said mountain, to the place where it is called the great Iron or Smoky mountain; thence along the extreme height of said mountain, to the place where it is called the Unika mountain; thence along the main ridge of said mountain, to the southern boundary of this State,—upon certain conditions therein expressed. In pursuance of said act, the commissioners executed the deed of cession, which was duly accepted and ratified by the United States in Congress assembled, on the 2nd of April, 1790. By the acceptance of this cession, the United States, among other obligations thereby assumed, became bound, that the land laid off, or directed to be laid off, by an act or acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and inure to the use and benefit of the said officers and soldiers, their heirs and assigns respectively; and that all the lands thus ceded, and not appropriated as aforesaid, shall be considered as a common fund for the use and benefit of all the States, North Carolina inclusive, according to their respective and usual proportions in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatsoever.

A part of the territory so ceded now forms the State of Tennessee, bounded on the east by the western boundary of North Carolina, as described in the act of cession; and on the west, by the Mississippi river; on the north and south, by the northern and southern lines of the ceded territory. All the lands laid off, or directed to be laid off, as aforesaid by the General Assembly of North Carolina, lie within the limits of the State of Tennessee; and after the location of all the said lands, there remained within the limits of Tennessee a very large and valuable residue, which should have been appropriated to the use of the several States of the Union, including North Carolina, in the proportion set forth in the act of cession. The United States still holds under this cession, for the like uses and purposes, an immense extent of country of great value, situate between the river Mississippi and the Pacific Ocean, and between the northern and southern limits of the ceded territory. It is true that the act of cession did not require the United States to stipulate that all rights and titles of the Indians to lands within the limits of North Carolina should be extinguished by the United States,

as has been done by Georgia. North Carolina, acknowledging the parental care of the General Government, generously confiding in her sense of justice, and believing that good policy would dictate the extinguishment of the Indian title, did not demand such stipulation, which, if required, would have been a very inadequate consideration for the territory conveyed and the sovereignty granted. It is believed that the portion to which North Carolina was entitled by the act of cession of the residue of lands in Tennessee, after the location of all the military claims, would have been amply sufficient for the extinguishment of the Indian title to lands within the limits of North Carolina; but the United States have appropriated this residue exclusively to the use of the State of Tennessee.

The United States, acknowledging the rights of North Carolina, and yielding to her just claims, attempted, by the treaties of 1817 and 1819, with the Cherokee tribe of Indians, to extinguish their title to all the land within the limits of this State. This attempt proving abortive, by a mistake in describing the territory intended to be surrendered by the Indians, the language of the treaties leaves little doubt of the intention of the contracting parties to extinguish the Indian title to all the lands within this State; but the application of a technical rule produces the difficulty. The treaties stipulate that the Cherokees shall surrender all their lands lying within the limits of North Carolina, and then unfortunately set forth the supposed metes and bounds of the territory intended to be surrendered. In these metes and bounds there is a great mistake: the former is called a general, the latter a particular description; and it is said that the particular controls and restraints; the general description; the lands in the occupancy of the Cherokees, not embraced by these metes and bounds, and within the limits of North Carolina, are of great extent and value. This tract of country, from the most accurate information now to be obtained, includes near one million of acres of land, and is estimated to be worth four hundred thousand dollars, and is occupied by almost twenty-five hundred Indians. The extinguishment of the Indian title to this district of country, and the removal of this unfortunate race beyond the Mississippi, is of momentous importance to the interest of this State. The fertility of the soil, the extent and value of territory, are sufficient inducements to urge the extinguishment of the Indian title, especially as we think we have just claims on the General Government. These are not the only inducements. The red men are not within the pales of civilization; they are not under the restraints of morality, nor the influence of religion; and they are always disagreeable and dangerous neighbours to a civilized people. The proximity of those red men to our white population, subjects the latter to depredations and annoyances, and is a source of perpetual and mutual irritation. It is believed this unfortunate race of beings might easily, at the present, from the policy pursued towards them by the respective States in which their possessions are situate, be induced to exchange their lands in this State for territory beyond the Mississippi, whither so many of their brethren have already gone.

In addition to all these considerations, the right of North Carolina to have this title extinguished by the General Government, is strengthened

by the policy which has been pursued towards the Cherokees by the States of Georgia, Tennessee and Alabama. They have been driven, or are now flying from that portion of their lands lying within the limits of these States, and take refuge within our borders, where they are permitted to preserve their own peculiar laws and usages. The effect of this policy will be to transfer their entire population to our Territory, until an exhausted soil will compel them to seek another home.

The General Assembly submit it to the justice of Congress to determine whether the continued liberality of North Carolina to this unfortunate race, shall be thus rewarded. Let it be recollected that the region of country in Arkansas, on which those Cherokees who have removed are now settled, was once a portion of this State, and that the result of the legislation of Congress, and of the particular States interested, has been, and will be, to remove to it all the Indians but those inhabiting her Territory. Shall that State alone, which furnished an asylum for the relief of all, be denied the benefits flowing from her own liberality?

REPORT

OF THE

SELECT COMMITTEE OF THE SENATE

ON THE SUBJECT OF

BANK DIVIDENDS, &c.

The select committee of this House, raised by a resolution, which required them to examine, and report to this House the aggregate amount of dividends and bonus divided upon the captial stock of the State Bank, the Bank of Newbern and the Bank of Cape Fear, since their organization; the amount of specie actually paid in upon their subscription of stock; and the amount paid in, in Bank notes or other paper money; the amount of notes issued by them, and now afloat, at the mother Banks and each of their branches and agencies, separately; the amount of debts due them, designating the amount of debts due them on accommodation loans, and the amount due them on business paper; and such other information upon this subject as they may be able to procure, that may throw light upon this matter; and that said committee report the value of stock in said Banks, at different periods and at this time.

The committee have received from the State Bank and the Bank of Cape Fear, statements of their situation; but from the Newbern Bank no statement has been received. The committee have had recourse to such documents as they have been able to find, from which they have been enabled to make out the following statement, with those furnished by the Banks. They have principally to rely upon a report made to the Legislature, at its session of 1828, by a joint select committee upon the Banks.

The statement marked A, shews the amount of dividends and bonus divided by the Banks; the paper marked B, shews the amount of capital stock, and how it was paid for; the paper marked C, shews the amount of debts due the Banks, notes out, &c.; statement marked D, shews the situation of the State Bank, furnished by the cashier thereof. The above facts and the accompanying documents, the committee beg leave to submit as the result of their inquiries, under the resolution to them submitted. All of which is respectfully submitted.

W. MONTGOMERY, Chairman.

(A)

Amount of Dividends and Bonus divided by the Banks.

The State Bank has made and actually divided a clear profit, in dividends and bonus, up to Dec. 1833, - -	$2,343,460 50
The Cape Fear Bank has made and divided a clear profit, in dividends and bonus, up to the 31st of December, 1831, - - - - -	880,080 54
The Newbern Bank has made and divided a clear profit, in dividends and bonus, up to the 30th June, 1829,	967,950 00
Total amount of profit made by the Banks,	$4,191,491 04

(B)

A Statement, shewing the capital stock of the Banks, and how it was paid in.

	Capital Stock.	Amount paid in Specie.	Amount paid in Paper.
	Dollars.	Dollars.	Dollars.
State Bank	1,600,000	500,000	1,100,000
Newbern Bank	800,000	200,000	600,000
Cape Fear Bank	800,000	250,000	550,000
	3,200,000	950,000	2,250,000

(C)

Amount of debts due the Banks.

State Bank - - -	$990,982 93	
Bank of Cape Fear - - -	774,801 00	
Newbern Bank - - - -	490,171 00	
		$2,255,954 93

Amount of notes in circulation.

State Bank - - - -	$377,722 00	
Newbern Bank - - -	242,294 00	
Cape Fear Bank - - -	525,045 00	
		$1,145,061 00
Debt due the Banks, after all these notes are taken up,		1,110,893 93
Debt due the Cape Fear Bank on accommodation paper at Wilmington - - - - -		$130,316 10
At Hillsborough - - - - -		28,000 00
At Salem - - - - -		28,264 00
Debts due on business paper at Wilmington - -		103,818 96
At Hillsborough - - - -		49,013 00
At Salem - - - - -		122,806 00

The stock of the Cape Fear Bank was valued at $84 per share in 1830, and now at $97 46.

(D)

Statement of the Debts, &c. of the State Bank of North Carolina, as of the 19th November, 1833, furnished in conformity with the resolution of the Senate, received through W. Montgomery, Esq. Chairman of the committee.

NOTES IN CIRCULATION.

Raleigh	$103,950 50	
Salisbury	55,725 00	
Fayetteville	15,459 50	
Wilmington	65,589 00	
Newbern	80,346 00	
Tarborough	40,895 00	
Edenton	15,757 00	
		$377,722 00

AMOUNT OF DEBT.

Raleigh—accommodation,	$63,411 35		
Morganton do	17,995 53		
Salisbury do	30,378 00		
Fayetteville do	4,680 00		
Wilmington do	43,167 00		
Newbern do	93,524 51		
Tarborough do	28,401 00		
Edenton do	21,933 00		
		303,490 89	
Raleigh—business,	273,683 12		
Morganton do	2,150 00		
Salisbury do	4,600 00		
Wilmington do	26,366 70		
Newbern do	6,640 50		
Tarborough do	13,429 00		
Edenton do	8,248 66		
		337,117 98	
			640,608 37
Raleigh—stock debt,			12,650 91
Raleigh—suspended	14,828 92		
Salisbury do	34,469 52		
Fayetteville do	6,488 32		
Wilmington do	12,227 99		
Newbern do	36,486 85		
Tarborough do	2,260 00		
Edenton do	7,734 81		
		114,496 41	
Raleigh—desperate	25,363 19		
Salisbury do	5,754 00		
Fayetteville do	72,693 86		

Wilmington	do	72,836 27		
Newbern	do	20,432 87		
Edenton	do	26,147 05		
			223,227 24	
				337,723 65
				$990,982 93

In April, 1819, the largest amount of Bank notes ready for circulation, (that is, signed by the President and Cashier, and charged to Bank Note account,) appears to have existed, which is shown by the exhibit below, viz.

At Raleigh	1,883,884
Salisbury	375,720
Fayetteville	361,540
Wilmington	446,626
Newbern	633,130
Tarborough	499,752
Edenton	534,934
	$4,735,586

DIVIDENDS AND BONUS.

Aggregate amount of Dividends from No. 1 to 40, inclusive,	2,025,778 50
Aggregate amount of Bonus,	317,682 00
Total declared,	$2,343,460 50

RECAPITULATION.

Accommodation	Debt,	303,490 39
Business	do	337,117 98
Stock (pledged stock)	do	12,650 91
Suspended	do	114,496 41
Desperate	do	223,227 24
Total of Debt,		$990,982 93
Amount of Notes ready for circulation, in April, 1819,		4,735,586 00
Amount of Notes *in circulation*, as per statements to 19th November, 1833,		377,722 00
Aggregate of Dividends and Bonus to Dec. 1833,		2,343,460 50

CHS. DEWEY, Cashier.

REPORT

OF

THE COMMITTEE

ON

INTERNAL IMPROVEMENTS.

RALEIGH:

Printed by Lawrence & Lemay,

Printers to the State.

1834.

REPORT.

The committee on Internal Improvements, to whom were referred sundry documents and schemes relating to the internal improvements of this State, having had the same under consideration, beg leave to report:

That the subject matter to which they relate involves considerations of State policy, inseparable from the general good, and, when taken in connection with the individual welfare of our citizens, their situation presents a state of things which nothing short of a liberal course of legislation can arrest, the consequent evils of a course of policy which the experience of the past now demonstrates, have had, and, if persevered in, will have a tendency to annihilate the population of the State.

When we look abroad into the policy of the several States of this Union, it is apparent that such as have attained to any degree of pre-eminence of character, that such distinction has been acquired in a ratio with the facilities of accumulating wealth, by the industry and enterprise of their citizens; and it is equally apparent that the State which has adopted that system of policy, which in its tendency hath promoted agriculture and husbandry, has produced, in the moral and intellectual condition of its society, improvements characteristic of an enlightened and enterprising people.

The evidence which the pages of history furnish for our example, of the causes that have produced the decline and ultimate ruin of such governments as have pursued a contrary policy, should be regarded by the States of this confederacy as admonitory of the certainty of its fatal consequences.

A people falling into *that* state of apathy, which generates a spirit unfriendly to enterprise, have ever been found to degenerate in the most abject state of slavery. It matters not whether such a people be a self-governed community or not, the inculcation of such principles will sooner or later produce a disregard even for the government of their own choosing.

When a people shall lose a proper respect for the character of the State which gave them birth, they that moment cease to be patriots, and become the fit subjects for a system of feudal vassalage. Let it be asked why are some nations overrun with ignorance and barbarity, whilst others flourish with learning and the sciences? But what should most attract our attention is, that the same people have in different ages been distinguished by these opposite characters. Is it not because the one has neglected, whilst the other has paid a proper regard to a policy, which placed in the hands of the citizens the means of acquiring wealth and the comforts of life, whereby the culture and a due regard for the improvements of the mind upon human institutions are appreciated and cherished by the great body of the people? Nothing is more apparent, than, where this system is pursued, knowledge, virtue, patriotism and wealth never fail to ensue; but where it is not, ignorance and a want of knowledge of our own worth become inevitable.

Upon comparing the present languishing condition of the agricultural resources of North Carolina with the improved and prosperous condition of even the most inconsiderable member of the Union, the picture pourtrays the contrast, characteristic of a community worn down by the hand

of adversity, in colours too strong to be concealed. That in North Carolina it is apparent the reward of labour has ceased to be a stimulus to industry and enterprise; that agriculture has ceased to yield to the land owner a compensation equivalent to the expense attending the transportation of his surplus produce to market. The consequent result of this state of things is, that real estate throughout the country has so depreciated in the hands of the farmers, as to be considered not to possess a fixed value estimated upon its products. Hence our citizens are daily abandoning the places of their birth for situations in other States less healthy, and often, not superior in fertility of soil; but which, by the improvements of those States, rendered so by the fostering aid of legislative patronage, the facilities to wealth and the means of acquiring the necessaries of life, the profits upon labour hold out stronger inducements to agricultural pursuit than is to be found in North Carolina. Nor does the evil stop here. The tide of emigration, which never ebbs, not only carries with it a great portion of the enterprise and prime of our youth, but much of the productive and most valuable description of the State's wealth. These are facts of "ominous import," which should admonish us to guard against the fatal issue with which they are pregnant. Can it be our interest so to shape our policy as to render our State the mere nursery for the western and south-western States? Surely not. We not only thereby lessen the political influence of the State in the councils of the General Government, but we evidently weaken the ties of patriotism of our citizens to the land of their nativity.

The social relations of family connections evidently constitute the most lasting cement to the political permanency of any country. Indeed, what else is it but the social ties of family connections, when rendered happy and prosperous by their own industry, that stamps a value upon society? Or will it be contended that the present scattered conditon of the family connections of North Carolina has a tendency to increase either the happiness or the devotion of its inhaditants to the interest of the State? Go into any neighborhood, and inquire of the seniors or heads of families, "how many children they have raised, and in what State do they reside?" and in nine cases out of ten, the answer will be, "I have raised some six or eight children; but the major portion of them have migrated to some other State;" and adds the parent, "I am anxious to sell my lands, to enable me to follow them." Thus it will appear that the lands of nine tenths of the farmers of the State are actually in market; and what does it arise from? Evidently from the fact, that the distance to, and expense of sending the staple products of the soil to market, so far lessen the profits upon agricultural labour, that the farmer has no inducements to effort. Therefore it is, that all our farmers are land sellers, and no land buyers.

The cause of these evils is apparent; but no less so than is the remedy. Throw open the agricultural interest of our State to the action of trade or commerce; open its wide spread avenues, by constructing rail roads from the interior of our fertile back country to markets within the State, at least so far as nature in the distribution of her favors has rendered them feasible; connect by rail roads the rivers of the State at given points, whereby the produce of their fruitful vallies may be sent to an export market. This done, and it will reflect to the State all the substan-

tial benefit to be derived from an export depot—such at least as will locate a capital within its influence, equal to the amount of exports.

By concentrating the commerce of the State to one point, it will remove an evil, which but few are apprised of. The produce should be received at the export depot in sufficient quantities so as to furnish a cargo, without subjecting the shipper to the increased expense arising from delay, a privation in the outfit which often renders the voyage unsuccessful. Hence the necessity of adding to the aggregate quantity of export articles at the shipping port.

From the laggard progress in our internal improvements, it would seem as if inquiry had yet to discover what constituted the true policy of the State, as if its principles were too mysterious for the perception of the common mind. But such is not the fact. The fault lies in the Legislature, and, it would appear from the past, that the people are much more ready, when called upon, to sanction any measure of legislative enactment, having for its object the advancement of the public good. than hath been found in the General Assembly to adopt such measures. The people are always prepared to decide upon measures connected with the public welfare; but what uncommon attribute of intellect does it require to decide upon the advantages which a rail road has over a common five horse dredge wagon? The one is capable, with a steam locomotive engine, of transporting from 40 to 50 tons, and the other, under the most favorable circumstances, will carry little exceeding a ton and a half. Yet the opponents to a liberal system of internal improvement say that the present is not the proper time to commence these improvements, that the people are yet uninformed upon the subject, of the use of rail roads. Now, these reasons, if reasons at all, *imply* a fact which your committee is unwilling to admit, viz. that the people are not sufficiently informed of the advantages which rail roads possess over dredge wagons to decide upon the expediency of adopting rail road communications. The proposition thus presented is made to appear before the people in a false shape. Let it be asked, what are the true points involved in the inquiry? Is it not apparent that when the case is stripped of the veil of mystery which envelopes the proposition, that it presents but two simple questions, namely: *first*, the advantages of rail roads; and, *secondly*, the ways and means of acquiring the required funds to effect these improvements? The expediency, then, of the State's becoming interested in rail roads is not involved in what the enemies of a general system, adopted by the State, may be pleased to call *an improper time to commence the good work.* In this light the subject has ever been unkindly treated; which has had a tendency to prejudice the public mind against the introduction of one of the most important improvements of inter-communication which the present enlightened age has discovered for the use and general benefit of man.

In the contemplation of this highly interesting subject, the only inquiry is, as to the manner of acquiring the funds for the accomplishment of the work, and whether the end will justify the means. The proposition, thus considered, presents a full and entire view of the whole case. The utility and practical use of rail roads will be admitted by all. Their direct effect upon the value of the landed interest of the country is also admitted. The action they necessarily produce to enterprise and the mechanic arts and the commerce of the country, all tend to stimulate industry in a

degree only to be realised by such like improvements. These considerations constitute some of the advantages to be derived by commercial intercommunications of the country. They show that it is *labour* which developes the resources of any country. Should it not, then, be an object with the Legislature to promote, by such means as shall be found within its control, the industry and enterprise of the State with a liberal hand?

In what age or era has it been shown that prosperity has attended any nation, whose government did not foster its national wealth by promoting the individual wealth of its citizens?

It is a mistaken idea, as many suppose, that Banks or the monied institutions of the country will of themselves render what is called "money plenty." Money must circulate by means of the products of labour, or else it will ever be scarce, and the community poor. The fact is, money, whether in a metalic or paper form, possesses little else than a distributive, and not that representative character of property, as is generally supposed. It is its convenience in facilitating traffic between man and man, that confers a value upon paper medium, and not its representative character.

Money borrowed, which is wasted, or not usefully invested, operates injuriously to the borrower, and at the same time affords no benefit to the community. It is so much thrown into circulation, unrepresented by either *labour* or *property;* which results in the same bad effect that arises from overtrading.

The policy of North Carolina should be to increase the products of her soil, by increasing the reward and wages of labour. The one is a consequent upon the other. In the same ratio that labour is rewarded, will prosperity attend the community, & *vice versa*. It should, therefore, become a matter of inquiry with the Legislature of the State, whether our course of Legislation hath been in accordance with these established principles.

Our course of reasoning upon this subject for the last 30 years has been to evade rather than to investigate its merits; whilst the doctrines promulgated against a general system of improvement have unhappily had a serious and deleterious effect upon the public mind.

Principles inimical to, and at varience with what should constitute the policy of the States by becoming interested in any project of internal improvements, having been so repeatedly reiterated, and again and again echoed and re-echoed from the forum of the Legislative hall to the public ear, that popular opinion had gone far in rejecting the well established principles in political economy, that the "wealth of States consists in the wealth and prosperity of the citizens."

But your committee hath the gratification to perceive that this important subject has in a great degree undergone the inquisitorial examination of the people, whose decision in all matters of public interest has ever been found in unison with the general welfare.

The people now perceive that they have endured a state of privation, which sad experience shows to be a *downward course*, and when longer forbearance would be but an aggravation of the evil. But the people, knowing their interest, with a voice, not to be resisted, hath proclaimed aloud that the period has arrived when *something ought*, *something can*, and *when something must be done* to arrest the rapid progress of our downhill march.

Public expectations have become awakened, all eyes have been turned upon the present session of the General Assembly, and now look with

patriotic solicitude for the anticipated favorable result of its deliberations. With regard to the ability of individual efforts to accomplish the desired works of public improvements, there can be no difficulty in perceiving that they *cannot* raise the required funds. Our citizens, subjected as they evidently are, and have ever been, to an expense almost equal to the market value of a great portion of their surplus produce in getting it to market, must be ill prepared to engage in enterprises, which, from their importance, should be justly considered undertakings of State magnitude. It is, therefore, apparent, that, if the improvements of the State are to be effected at all, they must be by the aid of the State, and not by private companies. The expression of public opinion by the people, in their recent numerous primary meetings, has given ample testimony of what the public expectations are with regard to the *two fifths* principle. The unanimity of the Internal Improvement Convention, held in November last in Raleigh, in which 44 counties were represented, and of which were but five dissenting votes to the magnificent scheme recommended by that body to the consideration of the General Assembly, should be viewed as conclusive as to the sentiment of the people upon the subject.

To defer the commencement of these undertakings under the imposing circumstances they have been submitted to the General Assembly, would doubtless be viewed by the people as tantamount to a rejection of the principles recommended, and so ably sustained by that patriotic and enlightened assemblage of citizens.

It will be recollected that the delegates composing the general Convention, which sat in Raleigh in November last, were appointed by the citizens of their respective counties, under all the forms at least of an election. It can hardly be supposed, then, that they would have recommended a measure which they supposed would not be sanctioned by their constituents. But, in addition to all this, we have the fact that *all* the internal improvement conventions and *county* meetings that were held in various sections of the State during the last summer, recommended the two-fifths and three-fifths principle. The sentiment of the people upon that point, therefore, cannot be questioned.

In compliance, therefore, to the *will of the people*, your committee are of the opinion that the *two-fifths* principle should be recognized in the future policy of the State; and that where a scheme shall be projected by individuals embraced in either of the main routes, recommended by the Board of Internal Improvements, the State ought to subscribe for *two-fifths* of the stock, under such restrictions and upon such conditions as the Legislature shall prescribe by law.

The great number of applications to the present General Assembly for the incorporation of rail road companies may be considered to be a *fair test* of the entire public confidence in rail road communications; and whilst the strong feelings of sectional jealousy, which are manifested upon the subject, should be regretted, yet the consequences to be apprehended can but result in laudable rivalry.

The reasons that have been advanced against the credit of the State being used in raising or creating a fund for objects of internal improvement, appear to your committee to be without foundation. The objects of Legislation should be such as relate to the advancement of the common welfare: the improvements of our common country is a legitimate subject of general concern, and is embraced in the powers retained by the State Government in

the management of its municipal affairs; in the well being of which, all grades and description of citizens have a deep and undivided interest; and, as such, the subject should invoke the undivided attention and solicitude of the General Assembly. In every other State except North Carolina, internal improvement is made a primary object of State patronage; but why it should be considered by the Legislature of North Carolina an object unworthy of its patronage and fostering care, is a fact which inquiry has yet to discover and explain. It is no reason against a thing, to presume it may be abused; for, upon this hypothesis, it might be argued that legislation itself may be abused, and therefore such a provision is improperly retained in our constitution.

It is worse than absurd to argue that the work proposed may not be worth the money expended in constructing it, and therefore it would be impolitic for the State to engage in such like enterprizes. What has been the result of such investments in our sister States? Do we find that they have abandoned the policy? Surely not; but, on the contrary, continue to engage in more extensive undertakings. South Carolina and Tennessee have now in contemplation a scheme to connect, by rail roads, the trade of the two States, so as to make Charleston the shipping port for all Tennessee. Nay, the scheme embraces all north Alabama, a part of Kentucky and Ohio. So have Virginia and Georgia embarked in the internal improvements of their respective States, and with prospects of success.

In reference to the *Report* of the "Board of Internal Improvement," the committee view the plans and suggestions it contains to be of pre-eminent importance to the State. It contemplates improvements, which, if carried into execution, their advantages would more than equal the scheme, magnificent as it is. The committee, therefore, would recommend the organization of a Board of Internal Improvements, to consist of *four* members, one of whom should act in the capacity of superintendent of public works, and who shall be allowed three dollars a day, in addition to his expenses, for his services in attending to the duties assigned to him as superintendent.

It will be recollected that the laws relating to the several navigation and other incorporated companies, were enacted at a time when there existed a regular Board of Internal Improvement: consequently, these laws were all predicated upon the existence of a board, and requiring the Board of Internal Improvement to attend to the interest which the State held in these companies.

In addition to these reasons, there are others which render the organization of a new board necessary. It is essential that the State should be furnished with a topographical engineer, for the purpose of making the surveys and estimates of the routes contemplated by the several companies incorporated at the present session, as well as the routes proposed by the Board of Internal Improvement. An engineer can no doubt be procured from the topographical bureau of the United States' Government, by applying to the President. In which event, these surveys and estimates can be made at an expense only of the cost of the camp equipage, and such other charges as may be necessary for the accommodation of the engineer and the required attendants, &c. The whole amount would not probably exceed form 1000 to 1500 dollars. The State of South Carolina has appropriated, for a similar object, and under similar circumstances, one thousand dollars.

Your committee, therefore, recommend the bill accompanying this report to be passed into a law. All which is respectfully submitted.

J. SEAWELL, Chairman.

PROPOSED AMENDMENTS

TO

THE CONSTITUTION

OF THE STATE OF

NORTH CAROLINA.

ARTICLE 1.

The Legislative authority of North Carolina shall be vested in two distinct branches, both dependent upon the people, to wit: a SENATE and HOUSE OF COMMONS.

2. The Senate shall be composed of members chosen by ballot every two years, in the manner hereinafter directed.

3. The House of Commons shall be composed of members chosen by ballot, every two years, in manner hereinafter directed.

4. The Senate and House of Commons, assembled for the purpose of legislation, shall be called the General Assembly.

5. Each member of the Senate shall be a free white man, a citizen of the United States; shall have attained, at the time of his election, the age of twenty-five years; and shall have usually resided in the district in which he is chosen, for one year immediately preceding his election; and for the same time shall have possessed, and continue to possess, in the district which he represents, not less than three hundred acres of land in fee, or other real estate in fee, of the value of six hundred dollars.

6. Each member of the House of Commons shall be a free white man, a citizen of the United States; shall have attained the age of twenty-one years; and shall have usually resided in the county in which he is chosen, for one year immediately preceding his election; and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life, or other real estate, by the same tenure, of the value of two hundred dollars.

7. All free white men, of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and possessed of a freehold, within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the Senate.

8. All free white men, of the age of twenty-one years, who have

been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons, for the county in which he resides.

9. The Senate and House of Commons, when met, shall each have power to choose a speaker and other their officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be passed into laws. The two Houses shall direct writs of election for supplying intermediate vacancies.

10. All bills shall be read three times in each House, before they pass into laws, and be signed by the speakers of both Houses.

11. Every person who shall be chosen a member of the Senate or House of Commons, or be appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall take an oath of office.

12. The General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme and Superior Courts of Law and Equity, and an Attorney General, who shall be commissioned by the Governor, and hold their offices during good behaviour.

13. The General Assembly shall not pass any law impairing the rights hitherto exercised by masters over their slaves as property: no tax shall be imposed on slaves under the age of twelve, or over the age of fifty years; none but a capitation tax shall be imposed on them, and a taxation *per capita* shall be equal on all classes of persons: *Provided*, that no such tax shall be laid on white females, or upon males under the age of twenty-one, or over the age of forty-five years.

14. The Executive authority of this State shall be vested in a Governor, who shall be elected every two years, by the free white men of the State, who are qualified to vote for members of the House of Commons. He shall be at least thirty years of age, a citizen of the United States; shall have resided in the State for five years immediately preceding his election, and shall own and possess, in the State, a freehold of at least two thousand dollars in value; and no person shall be elected Governor for more than two terms in succession.

15. There shall be a seal of this State, which shall be kept by the Governor, and used by him as occasion may require; and shall be called the Great Seal of the State of North Carolina, and be affixed to all grants and commissions.

16. The Governor for the time being shall be captain general and commander in chief of the militia; and, in the recess of the General Assembly, shall have power to embody the militia for the public safety.

17. The Governor for the time being shall have power to draw for, and apply such sums of money as shall be voted by the General Assembly for the contingencies of Government, and be accountable to them for the same. He shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case

..e may, in the recess, grant a reprieve until the next sitting of the General Assembly, and may exercise all the other executive powers of Government, limited and restricted as by this Constitution is mentioned, and according to the laws of the State. And on his death, inability or absence from the State, the Speaker of the Senate for the time being, and in case there be no Speaker of the Senate at such time, then the person who was last Speaker of the Senate, and in case of his death, inability or absence from the State, the Speaker of the House of Commons, and in case there be no Speaker of the House of Commons at such time, then the person who was last Speaker of the House of Commons, shall exercise the executive power, after such death, or during such absence or inability of the Governor, or Speaker, or person as aforesaid, or until a new election is made by the people. And the General Assembly shall provide by law for the manner of holding the election of Governor by the people; and they shall, by joint ballot, choose a Governor, to hold his office until the first election of the same by the people.

18. In every case where any officer, the right of whose appointment is vested in the General Assembly, or in the Governor and Senate, whose office shall, by death, resignation, removal, or other means, be vacant during the recess of the General Assembly, the Governor shall have power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

19. The Governor, Judges of the Supreme and Superior Courts of Law and Equity, and Attorney General, shall have adequate salaries, which shall not be diminished during their continuance in office: *Provided, nevertheless,* that the Governor may remove a Judge or the Attorney General upon the address of two thirds of each house of the General Assembly, which address shall contain the causes for which the removal is demanded.

20. The General Assembly shall, by joint ballot of both Houses, every two years elect a Treasurer, Secretary of State, and Comptroller of public accounts.

21. The Governor and other officers offending against the State by violating any part of this Constitution, for mal-administration or corruption, may be prosecuted on the impeachment of the House of Commons.

22. No persons who have heretofore or hereafter may be the receivers of public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for, or paid into the Treasury all sums for which they may be answerable and liable.

23. No Treasurer shall have a seat either in the Senate or House of Commons, during his continuance in that office, or before he shall have finally settled his accounts with the public for all the moneys which may be in his hands at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

24. No officer, either civil, military or naval, in the service of the United States, or any other State or country, shall be entitled to a seat in the Senate or House of Commons.

25. No Judge of the Supreme or Superior Courts of Law and Equity of this State, shall be entitled to a seat in the Senate or House of Commons.

26. No Secretary of State, Comptroller, Attorney General or clerk of any Court of Record in this State, shall be entitled to a seat in the Senate or House of Commons.

27. No clergyman or preacher of the gospel of any demonination shall be capable of being a member of either the Senate or House of Commons, while he continues in the exercise of the pastoral functions.

28. Justices of the Peace, within their respective counties in this State, shall be appointed by the Governor, by and with the advice and consent of the Senate; and the said justices, when so appointed, shall be commissioned by the Governor, and shall hold their offices during good behaviour; but they may be removed from office by the General Assembly for corruption, misdemeanor, inability or absence from the State.

29. There shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay for the purchase of any glebe, or the building any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

30. No person in the State shall hold more than one lucrative office at any one time: *Provided*, that no appointment in the militia or to the office of a justice of the peace shall be considered as a lucrative office.

31. That all commissions and grants shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective Courts. Indictments shall conclude, against the peace and dignity of the State.

32. There shall be a Sheriff, Coroner or Coroners and Constables, in each county within this State.

33. That the person of a debtor, where there is not a strong presumption of fraud, shall not be confined in prison after delivering up, bona fide, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great.

34. A school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct, at low prices; and all useful learning shall be duly encouraged and promoted in one or more universities.

35. The Legislature of this State shall regulate entails in such a manner, as to prevent perpetuities.

36. The Declaration of Rights is hereby declared to be a part of the Constitution of this State, and ought never to be violated on any pretence whatever.

37. Any member of either House of the General Assembly shall have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

38. Neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present: And, upon a motion made and seconded, the yeas and nays upon any question shall be taken and entered on the journals: And the journals of the proceedings of both Houses of the General Assembly shall be printed and made public, immediately after their adjournment.

39. The General Assembly of this State shall convene at the seat of Government once in every two years; but may be convened oftener by the Governor of the State, if, in his opinion, the public interest shall require it.

40. The Senate shall consist of fifty members, to be chosen biennially, of whom twenty-seven shall be elected by and for that part of the State which is comprised within the following counties, to wit: The first class, Brunswick, Beaufort, Bertie, Craven, Carteret, Currituck, Camden, Chowan, Columbus, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Hyde, Jones, Johnston, Lenoir, Martin, New Hanover, Nash, Northampton, Onslow, Pasquotank, Pitt, Perquimons, Bladen, Sampson, Tyrrell, Washington, Wake, Warren, Wayne; and twenty-three of whom shall be elected by that part of the State comprised within the following counties, to wit: The second class, Anson, Ashe, Buncombe, Burke, Yancy, Caswell, Chatham, Cumberland, Cabarrus, Davidson, Guilford, Haywood, Iredell, Lincoln, Moore, Macon, Montgomery, Mecklenburg, Orange, Person, Randolph, Rowan, Rockingham, Richmond, Rutherford, Surry, Stokes, Wilkes, Robeson. And for the election of whom, the State shall be divided into districts, by the next General Assembly, according to the following rules, to wit: First, each county in the first class, which pays annually into the Public Treasury of the State, one twenty-seventh part or more of the aggregate taxes paid by all the 36 counties therein named, shall form one district. And each county in the 2d class which pays annually into the Treasury of the State one twenty-third part or more of the aggregate taxes paid by all the 29 counties therein named, shall form one dis-

trict. Second, wherever there shall be a county deficient in the ratio of taxation, lying contiguous to one or more counties of the same class, which pay an excess or excesses of such ratio, then such excess or excesses shall be computed as belonging to a contiguous county which is deficient as aforesaid; and if, by this acquisition, such county have the requisite ratio, it shall also constitute a district. 3. Wherever there are two or more counties, each paying a ratio that is deficient, contiguous to another county or counties of the same class, paying an excess of ratio, the county which has the least deficiency shall be first entitled to have such excess applied to make up its deficiency. 4. Wherever there shall be two or more contiguous counties belonging to the same class, which together pay the required ratio of taxes, they may together constitute a district. 5. Wherever there shall be two or more counties of the same class contiguous to each other, which together do not pay the required ratio in taxes, the excess of one or more contiguous counties in the same class may be computed to belong to the counties which are deficient, so as to make up their deficiency. 6. In computing the public taxes aforesaid, the Legislature shall cause the annual taxes assessed for the State Treasury, upon each county, to be ascertained by an average for ten years preceding the allotment of districts. It shall be the duty of the Legislature to re-apportion the Senate among the counties composing the classes of 86 and 29 counties above named, again, at their first session after the year 1841, and every ten years thereafter: *Provided, however*, that it shall be done upon the principles, and according to the rules above stated, and so that the number of senators from the two great divisions or classes aforesaid shall neither be increased nor diminished by such apportionment.

41. The House of Commons shall consist of not less than one hundred, nor more than one hundred and twenty members, to be elected biennially, as follows: The towns of Fayetteville, Wilmington and Newbern shall elect one member each; and the others shall be apportioned by the Legislature at their next session, and again at their first session after 1841, and every ten years thereafter, among the counties as near as may be, according to their federal population; but in estimating the population of Craven, Cumberland and New Hanover, the population of the towns respectively located therein, which are allowed to send a representative, shall not be excluded until after the number of members from said counties will, by the ratio, be more than two: *Provided, however*, that every county heretofore established shall always be entitled to one member of this House: *And provided further*, that the territory included in the county of Macon, and now occupied by the Cherokee Indians, when formed into a distinct county, shall be entitled to one member: *And provided further*, that where there are two or more counties in the State which have residuums over and above the ratio then fixed by law, if said residuums, when added together, shall amount to such ratio, in that case one representative shall be added to that county having the largest residuum. The General Assembly shall combine these residuums by successively adding the largest residuum to the smallest, or to so much or so many of them as will make the required ratio for one additional representative to the county having the former; and then, by adding the next largest residuum to the smallest remaining residuum, to make the ratio for an additional representative to the county having the former; and so on until the residuums will no longer

make a ratio by being combined, or until the whole number of representatives to be elected is made up. The Legislature shall fix the number of which this House shall consist between one hundred and one hundred and twenty; and when it is fixed, the same shall not be altered until the next succeeding apportionment. The enumeration of the population of this State may be made in such manner as the Legislature shall direct; but in case they do not prescribe a different mode, the census of the State last taken under the authority of the United States preceding the allotment, shall be the enumeration by which representation shall be apportioned. The census which was last taken by the Government of the United States shall be the enumeration by which the next General Assembly shall make the apportionment of representatives.

42. The General Assembly shall regulate by law the manner of electing the general and field officers of the militia; but if at any time the public safety or interest, in their opinion, requires them to do so, they may elect such officers by joint ballot, or otherwise: *Provided*, that this article shall not in any manner affect officers whose commissions issued upon elections heretofore made.

43. All free white men possessed of a freehold in any town in this State, having a right of representation under the Constitution, and also all free white men who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons: *Provided always*, that this section shall not entitle any inhabitant of such town to vote for members of the House of Commons for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for such town.

44. The House of Commons shall have the sole power of impeachment.

45. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall be on oath or affirmation. No person shall be convicted without the concurrence of two thirds of the members present.

46. Upon conviction of any officer liable to impeachment, judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit under this State; and the party convicted may moreover be liable and subject to indictment, trial and punishment according to law.

47. All officers now filling any office or appointment shall continue in the exercise of the rights and duties of their respective offices or appointments for the terms now by law authorised, unless by this Constitution it is otherwise directed; and all laws in force at the time of making the several amendments to the Constitution, and which are not inconsistent therewith, all rights, actions, prosecutions, claims and contracts of any description, shall continue as if this Constitution had not been made.

48. The city of Raleigh shall be the seat of Government of this State, the unalterable place of holding the future General Assemblies of the same, and the place of residence of the chief executive officers of the State.

49. No part of this Constitution shall be altered, unless a bill for that purpose, specifying the alterations intended to be made, shall have

been read three times in the House of Commons and three times in the Senate, on three several days in each House, and agreed to by two-thirds of each House respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least three months previous to the next ensuing election for members of the General Assembly; and if such alterations, or any of them, so proposed, shall be agreed to during the first session thereafter, by two-thirds of each House of the General Assembly, after the same shall have been read three times, on three separate days, and subsequently ratified by a vote of a majority of the people, then, and not before, the same shall become a part of this Constitution.

MESSAGE

OF THE

GOVERNOR OF NORTH CAROLINA

TO THE

GENERAL ASSEMBLY OF THE STATE,

AT

THE COMMENCEMENT OF THE SESSION,

November 17, 1834.

RALEIGH:

Printed by Lawrence & Lemay,

Printers to the State.

1834

[illegible]

MESSAGE.

To the General Assembly of the State of North Carolina:

GENTLEMEN,

The gratification which it always affords me to witness the assemblage of the immediate representatives of the people, is greatly heightened, upon the present occasion, by the peculiar circumstances under which you have convened. Although we have neither, as an independent State, nor as one of the constituent parts of a great nation, attained the highest degree of prosperity and happiness within our reach, we have reason to believe that we have made important improvements in the science of Government, and have done much to perpetuate and diffuse the lights of civil and religious freedom at home and abroad. Such considerations must excite in every patriotic bosom not merely emotions of pleasure, but the most heartfelt gratitude to the Great Author of these distinguished blessings. Deeply sensible as we may be, however, of the superior advantages which we enjoy, in comparison with any other people, either ancient or modern, we should recollect that nations, as individuals, must continually press forward in the contest for human excellence, if they would preserve their relative superiority.

No truth in political science is more clearly established, than that the public liberty can only be preserved by the distribution, among various departments, of the powers of Government. The great excellence of our Constitution consists in this distribution, and however much we may regret to witness a conflict for authority between these departments, there is no difficulty in determining that while the checks and balances are preserved, though public harmony may be disturbed for a time, the public liberty is safe. It is only when too much power is grasped by either, that the whole system of Government is endangered.

That your attention should be mainly directed to objects of State legislation, cannot be doubted. This does not preclude, nevertheless, a proper degree of vigilance with respect to the proceedings of the General Government, since upon the purity of its administration may depend not only public prosperity, but individual security and freedom. Pursuing the course indicated by these suggestions, I will proceed at once to the most important subjects which are, in my opinion, proper for your consideration. Of these the proposition to amend the Constitution of this State, first introduced into the General Assembly in 1787, and which has continued to command the public attention for nearly half a century, is regarded as most prominent. Upon a subject of such universal interest, and involving so many important considerations, you have a right to expect an unreserved communication of the opinions of the Executive Department. The circumstances which, in my estimation, rendered such a course improper at the commencement of the last session, do not now exist, and I avail myself of the first fair opportunity, which has been afforded to me, to present my views of this perplexing, but interesting question.

The Constitution itself is silent on the subject of amendment, and this

circumstance has given rise to great diversity of opinion as to the mode in which it may be effected. It has been contended, on the one hand, that if the Legislature is not alone clothed with this highest attribute of sovereignty, it has the exclusive right to direct the time when, the agents by whom, and the manner in which it shall be exercised; and that the acts of a Convention assembled without legislative sanction, would be unauthorised and void. On the other hand, it is insisted that no change of the fundamental law can be legitimate, unless it proceed from the people in their primary assemblies; and that all action upon the subject by the Legislature is an usurpation of power. I apprehend that neither position is true to the extent which is sometimes contended. That all political power is vested in and derived from the people only, is a leading principle in our Bill of Rights, and it would seem to be a necessary deduction from it, that they have, in the absence of all stipulation upon the subject, the right to determine in what manner it shall be exercised. Without entering into any formal reasoning upon the subject, however, or even looking abroad for authority, it is believed that the argument may be safely rested upon the precedents which have come down to us, clothed with the sanction of the framers of the Constitution, and of the two successive Conventions to which it has been submitted for amendment. It will not be contended that the Constitution cannot be amended, or entirely abrogated, and a new system adopted, by the same power, exercised in the same manner, which gave existence to the former. The incipient measures towards the adoption of the present Constitution, proceeded neither from the Legislature nor from the people in their primary assemblies; nor was it framed by delegates chosen for that purpose only.

On the 9th of August, 1776, the Council of Safety, which consisted of two members from each of the six judicial districts in the State, appointed by the Provincial Congress which assembled at Halifax in April preceding, adopted the following resolution:

"The representatives of the United States of America, in general Congress assembled, at Philadelphia, the 4th day of July, 1776, having determined that the thirteen United Colonies are free and independent States, and in consequence thereof having published a Declaration of Independence:

"*Resolved*, That it be recommended to the good people of this *now independent State* to pay the greatest attention to the election, to be held on the 15th of October next, of delegates to represent them in Congress, and to have particularly in view the important consideration, that it will be the business of the delegates then chosen, not only to make laws for the good government of, but also to form a Constitution for this State; that this last, as it is the corner stone of all law, so it ought to be fixed and permanent; and that according as it is ill or well ordered, it must tend in the first degree to promote the happiness or misery of the State."

The delegates elected to the Provincial Congress, in pursuance of this recommendation, convened in Halifax in the month of December following, and in addition to the discharge of the ordinary legislative, judicial and executive duties, adopted the present system of fundamental law. The Constitution thus formed has twice undergone amendment. In 1788, the Convention which assembled to consider the Federal Constitution, in compliance with "a recommendation of the General Assembly *to that* Convention," to consider the propriety of extending to the town of Fayetteville the right of representation in the General Assembly, passed an ordinance for that purpose. The Convention which, in the month of November of the following year, adopted the Federal Constitution, acting under a similar recommendation from the General Assembly, passed the ordi-

nance to establish the place for the future seat of government. Neither the Constitution itself, nor either of these amendments was at any time submitted to the people for ratification; and it is remarkable that the resolution of 1787 *did not recommend to the people* to elect members to a Convention with power to consider the propriety of allowing a town member to Fayetteville, but confided the discretion immediately to the Convention called to consider the Federal Constitution. Without pursuing this discussion further, the conclusion may be fairly drawn, that a legislative recommendation to the people to select a Convention, clothed with authority to exercise the highest duties of legislation, is in strict accordance with first principles, and in precise conformity to all the precedents afforded by our history. It is not considered necessary to inquire into the validity of other modes which have been suggested as proper to effect this object; because the one proposed is entirely adequate to the end in view, is the only one that comes within the legitimate range of legislative authority, and has twice received the unanimous sanction of the founders of the Government. Nor is any discussion of the principle so frequently controverted, that a Convention may be invested with limited powers, believed to be called for. If the precedents before us are authorities, the affirmative is conclusively established; for neither the Convention of 1788, nor that of '89 had any other power in connexion with the State Constitution, than to allow Fayetteville a town member, and to establish the seat of government. The objection, indeed, seems to be altogether of recent origin, and not to have been even suggested in the frequent discussions which the subject underwent at that period.

Satisfied myself that you have authority to direct that a Convention shall be convened, to consider the Constitution; to prescribe the specific powers with which it shall be invested, and that any act it may perform, which shall transcend these limitations of power, will be void, I beg leave to state briefly some of the reasons which induce me to recommend that a Convention with limited powers shall be called.

A particular examination of the various changes which have been proposed to our fundamental law, would not comport with the character of this communication. The great object to be attained is a radical change in the basis of representation. It is obvious that the statesmen of 1787 contemplated no other innovation upon the Constitution than to substitute either population or taxation, or both combined, as a basis, instead of the arbitrary principle of county representation, without regard either to numbers, or wealth, or even territorial extent. It is believed that no material innovation is generally desired at the present day, on any other department of the government, than the legislative, unless the proposed change in the mode of supplying vacancies in the executive department shall be so considered.

This system of representation had its origin no doubt in the universal disposition which existed among the colonists, at the organization of their political society, to assimilate our institutions as nearly as practicable to those of the mother country. And although it has been entirely abolished or greatly modified by all the old States, with the exception of Maryland and North Carolina, and has not been adopted by any one of the new States, it is believed to have prevailed universally in the colonial forms of Government. It is not surprising that a principle of such high antiquity

in the parent State, and which had received the general sanction of the colonies, should have found favor with the Congress which framed our Constitution. But that it should have been acquiesced in for nearly half a century after it had been rejected by most of the other States, and had failed to command the concurrence of the united wisdom of all of them in the Convention that framed the Federal Constitution, exhibits striking evidence of the patience and patriotic forbearance of that portion of our citizens who regarded themselves as aggrieved by its inequality.

From an early period in our history, however, this basis of representation has been the source of constant disquietude. An act of Assembly, passed in 1746, when there were but fourteen counties in the province, recites that the inhabitants of several of the northern counties claim the privilege of being represented in the Assembly by five members, "while those of the *more southern and western counties*, who are more *numerous* and contribute much more to the *general tax* of the province, are represented only by two members; from which inequality great mischiefs and disorders have arisen, and the best schemes for the good and welfare of the province have been utterly defeated." The proposition to change the system in 1787 and the following year, was introduced and sustained by some of the most distinguished statesmen of that era, who were also conspicuous members of the Congress which framed the Constitution itself. It was adopted in both instances by one branch of the Legislature, and would most probably have succeeded in the other, but for the nearly unanimous opposition of the members from the counties which now constitute the State of Tennessee. It was then, as at present, the source of contention between the populous and sparsely settled counties, and hence the change was universally desired by the maritime portion of the State. The cession of our western territory to the General government, obviated, to some extent, the inequality previously complained of, and restored temporary harmony to our public councils. It is unnecessary to illustrate the practical operation of this system by particular examples. It is certain that it subjects the majority to the rule of the minority, and confers on those who pay comparatively but a small proportion of the public expense, the power to control the entire resources of the country. If the wisdom, patriotism, and spirit of compromise requisite to the permanent and satisfactory adjustment of this controversy shall be found united in the present General Assembly, you will achieve a triumph of inestimable importance, and entitle yourselves to the lasting gratitude of posterity.

It is perfectly certain, that until this source of contention shall be withdrawn, the baneful spirit which distracted our colonial assemblies, will continue to thwart all efforts towards wise and liberal legislation, and defeat "the best schemes for the good and welfare of the State."

As next in importance to this fundamental question, the relations which exist between this State and the General Government, will claim your consideration. This subject, it will be recollected, was referred to in the last annual message, and the disposition intimated to discuss it at a future period. The opinion then expressed, that the growth of this State in power and wealth, retarded as it has been by certain natural disadvantages, has also been greatly impeded by the effects resulting from various acts of federal legislation, remains unchanged. A simple statement of facts will render it apparent that we sustained great losses in the partial adjustment

of the debts incurred by the confederacy and the States in the revolutionary war;—that the fiscal system rendered necessary by the assumption of the debts of the States, on the part of the Federal Government, was deeply prejudicial to our interests;—and that now, when the national debt is extinguished, we have a clear right to such indemnity as may be afforded, by an equitable distribution by Congress of the fund created, but no longer needed for that purpose.

It is not proposed to examine the details connected with our claims for expenditures during the war of the Revolution. A mere reference to the rule by which the adjustment was made, is all that is necessary to a correct view of the subject. By the articles of confederation, it was stipulated that all expenses incident to the common defence and general welfare should be paid out of a common treasury, to be supplied "by the several States in proportion to the value of all lands within each State granted to or surveyed for any person, *as such land and the buildings and improvements thereon* should be estimated," in the manner that might thereafter be directed. The act of Congress of 1790 changed this rule, and provided that the expenses incurred by the confederation in the common defence and general welfare, should be paid by the States, in proportion to the federal population, which should be ascertained to belong to each by an enumeration, which was then directed to be taken. In the House of Representatives of the Congress which adopted this apportionment, this State and South Carolina, under the rule of representation established by the Constitution, had five members each, *or one thirteenth* of the whole number of which that body was composed. By this substituted rule of apportionment, however, North Carolina became chargeable with *one-tenth*, and South Carolina with *one-seventeenth* of the public debt. North Carolina was made a debtor State to the amount of about half a million of dollars, while South Carolina received from the Treasury of the United States more than twice that sum. It is apparent that if the original principle recognized by the articles of confederation had been adhered to, that the result would have been widely different, and that the one which was observed operated most unequally in regard to our interests. Some attention to the details of the settlement, has produced upon me the impression that we were scarcely more unfortunate in the selection of the rule, than in its application to the various questions touching our expenditures determined by the commissioners.

It is proper to remark that comparison has been instituted between this State and South Carolina, not because the disproportion was greater than in one or two other instances that might have been referred to, but principally for the reason that her proximity to us, and similarity of situation, rendered this the most apt illustration.

The same act of Congress which prescribed the proportion in which the debt created during the revolution should be paid by the several States, laid the foundation of the revenue system which has prevailed until the present period. It provided likewise for the assumption by the General Government of debts which had been contracted by the individual States, to the amount of twenty millions and a half of dollars; and for the gradual redemption of the whole debt, foreign and domestic, the proceeds of the public lands, which had been ceded by the several States, and an impost of seven and a half per cent. *ad valorem*, were constituted a sinking fund.

It is evident that at the period of this enactment, the public domain was looked to as the principal source from which this fund was to be derived, and that it was not intended to have recourse to any species of taxation longer than might be necessary to render the proceeds of the former available.

No prejudice is entertained against a revenue arising from imposts on foreign merchandize. On the contrary, it is regarded as the most convenient mode of taxation yet devised. If experience has shewn that it may readily be applied to favor the industry of one section of the Union at the expense of another, and that it affords an opportunity to the federal legislature to require from our citizens larger contributions than are necessary to an economical administration of the government, it is an argument against the abuse, and not the legitimate exercise of a necessary power. A tariff of duties on imported goods was at an early period recognized by various acts of the Legislature of this State as a favorite mode of taxation.— It is well known that one of the strongest arguments pressed upon the General Assembly of 1785, by our delegation in Congress, to induce the cession of our western territory to the confederation, was that it was necessary to the introduction of this system; and that on no other condition would some of the eastern States, and particularly Rhode Island, submit to a *five per cent. impost.* There is no fact connected with our history under the confederation, more clearly established than the early and continued anxiety of the State of North Carolina to provide an adequate revenue for the government by a tax upon importations. The impression which then prevailed, however, of the relative proportions of revenue which would be required by the General and State Governments, as shewn by the early legislation of each, is fraught with important instruction. In 1783, an impost of *five per cent. ad valorem*, to provide means for the redemption of a debt of more than fifty millions, limited in the term of its continuance to twenty-five years, was proposed by North Carolina, and failed to obtain the concurrence of the confederacy. At the same session an impost of two per cent. and every species of direct tax which now prevails, was levied for the State Government. The act of Congress of 1790, before referred to, sets apart for the payment of the civil and contingent list of the United States the sum of *six hundred thousand dollars.* It is very clear that upon the part of this State no doubt was entertained that a comparatively small share of the taxes paid by her citizens, would be required by the Federal Government. Instead, however, of this expectation being realized, we now find that the revenue accruing to the Treasury of the United States from this State is, upon the lowest principle of computation, greater by twenty fold than the amount required to sustain the State Government; and that the expenses of the civil and contingent list, during the last year, exceeded the entire amount of State debts, the assumption of which in 1790 created universal alarm.

The predictions of able and patriotic statesmen in our Convention which rejected the Federal Constitution, that a system of heavy taxation and lavish expenditure would grow up under it, although derided at the time as chimerical by others, neither less wise nor patriotic than themselves, have been realized to an extent which the most fearful and far sighted did not apprehend. Whether these evils are not rather to be regarded as obviously resulting from the abuse of delegated power, than as effects which

might reasonably have been anticipated from the instrument itself, it is not now proper to inquire. But he who does not perceive the constant tendency of the Federal Government to extend its powers, augment its resources, and multiply its expenditures, must be very inattentive to our past and present history.

Injurious as was the arrangement of the revolutionary claims to the interests of this State, and oppressive as the fiscal system of the General Government has been to all the southern States, we derive consolation from the reflection that we have out grown, in some degree, the effects of the first, and enjoy the prospect of relief from the last. We have arrived, too, at a period in our affairs, which authorizes the expectation that though an indemnity cannot be afforded, some reparation may be obtained for the injuries we have suffered. The perplexing questions connected with the tariff system have been adjusted for the present, and, it is hoped, will be finally settled on the expiration of the act of 1832. The national debt is extinguished, and the national domain is relieved from the pledge under which it was held for the benefit of the General Government.—The important question for the first time arises for consideration, what disposition shall be made of it? Louisiana and Florida were acquired by purchase, and, of course, under the Constitution of the United States, are the common property of the Union. All other portions of the public domain were ceded to the confederacy, or have, as in the instances of this State and Georgia, been conveyed to the United States since the adoption of the Constitution, "as a means as well of hastening the extinguishment of the debts as of establishing the harmony of the United States." All the deeds of cession contain a condition substantially the same with that to be found in the deed executed upon the part of this State, viz. that the lands ceded "shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

The "debt" to be extinguished was the debt created in the common defence anterior to the date of the instrument, and the fund, after the extinguishment of this debt, was to be applied to "the use and benefit of the United States, according to their respective and usual proportion in the general charge and expenditure." This would seem to be the obvious and fair construction of the deed; and it results, as a necessary consequence, that North Carolina, having been burthened, at the period when her citizens were least able to sustain it, with *one-tenth* of the whole amount of the public debt, is entitled to receive a like proportion of the fund which remains undisposed of.

Whatever conclusion you may come to on this subject, it seems to me that the proposition either to give these lands to the States within which they are situated, or to reduce the price at which they have hitherto been disposed of, is wholly inadmissible. Next to the operation of the revenue system, no other measure of the General Government has so seriously affected the interests of the old States as the low prices at which emigrants have been enabled to obtain the most fertile lands in the valley of the Mississippi. No one can have failed to perceive the diminution in the value of real property in this State already occasioned by it, or doubt a moment the

ruinous consequences which must result from a further reduction of the price of public lands. These lands were obtained by the blood and treasure of the old States, and while we should be disposed to continue the same liberal policy to the younger members of the confederacy, which has characterized all the proceedings of the General Government, it ought not to be expected of us to go further. At all events, the southern States, having during nearly half a century exhaused their resources in the payment of bounties to the ingenuity of the eastern, must not be ruined, that adequate rewards may be provided for the enterprize of the western States.

The existing tariff of duties, which, happily for the country, has been satisfactorily arranged for the present at least, must produce a revenue entirely adequate to an economical administration of the Government, and additional resources will but tend to prodigality and corruption. There seems to be no good reason, therefore, why, the object having been accomplished for which the sinking fund was created, the national domain shall not be divided in the stipulated proportion among all the members of the Confederacy. To the State Governments it will afford the most important aid in the prosecution of schemes of internal improvements, and the diffusion of the means of education. All experience proves that, if the power could be rightfully exercised, the General Government is not competent to the accomplishment of these great purposes; and the heavy amount paid by this State indirectly into the Treasury of the United States, under the operation of the present revenue system, if this fund be denied us, places the accumulation of the requisite means beyond our reach, within any reasonable period of time.

My opinions with respect to the necessity of a speedy and efficient prosecution by the State of a general system of internal improvements, were communicated at length in the report submitted to the General Assembly at the last session, by the Board for Internal Improvements. It is not proposed to discuss, at present, any one of the various topics which were then fully considered. The experience of another year affords conclusive proof that individual associations never will, and never can accomplish any plan commensurate with our necessities and resources. If the money alone, which has been expended by our legislative councils in the creation of corporations, that have existed only on paper, and are a most inconvenient encumbrance on the statute book, had been applied to the construction of some one work, at a proper point, we should have had before us an experiment, which would, at least, have afforded useful instruction. The continually increasing current of emigration, which is depriving us of many of our most intelligent and enterprising citizens, and a large portion of our wealth, particularly in the section of the State hitherto regarded as the most populous and opulent, imparts to this subject a painful interest. If the evil admitted of no remedy, allusion to it would be both weak and idle. It is not, however, so considered. In the extent of her territory, the variety of her productions, the fertility of her soil, and salubrity of her climate, North Carolina will compare advantageously with the most prosperous members of the Confederacy. The obstructions to the navigation of our rivers, by the falls created by the ledge of granite which traverses the State from north-east to south-west, and the impossibility of entering either of the ports connected with these rivers, with ships of the largest class, are certainly great natural disadvantages. It is believed, however,

that these difficulties may be obviated to an extent which will ensure us all the commercial facilities essential to a highly prosperous condition.—We have a wider extent of sea coast than any State in the Union, and the best inlet and harbor south of the Chesapeake. We have the power to connect this harbor with nearly all the navigable waters of the State, and thus bring the blessings of commerce not only to the doors of our own citizens, but afford a national highway to our sister States, of great importance in time of peace, and of inestimable value in war. Under such circumstances, to permit public prosperity either to decline or remain stationary, is as foreign from our duty as it is injurious to our interests and repugnant to our feelings. The period cannot be distant when other objects than the disbursement of sums smaller than the aggregate of legislative expenses shall be considered as falling within the legitimate range of your duties. The immediate representatives of the people, the highest and most responsible functionaries recognized by the theory of our Government, are selected and convened for the attainment of objects essential to the public weal, which cannot be effected by individual effort. I am satisfied myself that the course of legislation hitherto pursued, is to be ascribed to local divisions more than to any other cause, and the hope is fondly cherished that you will not separate without the adoption of such measures as shall make us a united people, as well in feeling as in interest.

The revenue system of this State is radically defective, and requires both revision and amendment. For some years past, the disbursements from the Public Treasury have exceeded the ordinary receipts, and we have been gradually consuming the principal of a productive fund which had been accumulated by the economy of preceding years. The investments which have been made in the stock of the Bank of the State of North Carolina, leaves it no longer in our power to pursue this exhausting process, and we are compelled to provide other means to defray the expenses of the Government. This, it is believed, may be effected without any increase of the present rate of taxation, if provision is made to secure a fair valuation of real estate, and to ascertain the number of individuals legally liable to poll tax. The Government of the country should never hold out temptations to its citizens to do wrong. Such, however, is the manifest tendency of the most important principles of our fiscal system. In practice, whatever may have been the theoretical speculations of the law-giver, every owner of real estate assesses the value of his own freehold, and it follows as a necessary consequence, that the individual, who is honest under all circumstances, contributes his fair proportion to the maintenance of the Government; while he who is less conscientious receives a direct reward for his iniquity.

The same objection applies with still greater force to the regulations under which the poll tax is levied. All slaves over twelve and under fifty years of age, are subject to capitation tax. If every slave owner in the community were entirely disposed to do so, it is no very easy task to ascertain accurately the proportion of his slaves who are between twelve and fifty years of age. Records are rarely kept of the ages of those born upon our estates, and we have still greater difficulty in ascertaining the ages of such as have been acquired by purchase or inheritance. He, however, who is not scrupulously honest, may satisfy his conscience by very superficial inquiries, when they agree with his interest; and the individual who is en-

tirely beyond the influence of moral coercion may commit fraud with impunity. Attempts to detect crimes of this character, are rarely made; and if they were more frequent, success, in the nature of things, is nearly impossible. A single example will suffice to establish the correctness of these remarks, and shew the extent to which the revenue is defrauded. The aggregate number of slaves in this State, in 1830, was 246,462. At least one half of these, by every authorized principle of computation, were between the ages of twelve and fifty years, and, at the rate of twenty cents each, should have contributed to the Public Treasury 24,646 dollars. The entire amount of poll tax derived in that year, from this source, and from the same rate of taxation imposed on every free male between the ages of twenty-one and forty-five, in a population of little less than half a million, was $28,211 35, exclusive of the six per cent. commissions retained by the Sheriffs for collection. It is confidently believed that if a fair mode for the valuations of lands were provided, and a proper system of accountability devised with respect to the poll tax, that the amount of revenue derived from these sources would be increased one-fourth, and that this reform alone would enable the Public Treasurer to meet the ordinary expenditures from his department. With respect to the tax on slaves, a simple, easy and efficient remedy would probably arise from abolishing the discrimination of ages, and imposing a tax on each. In practice, it will be found no more burthensome, and the process more simple, to give in the whole number of slaves at ten cents, than to ascertain the number of those between twelve and fifty, who are subject to twenty cents; and those who now misrepresent the ages of their slaves, without the fear of detection, will find it much more difficult to conceal their number.

I have heretofore ventured to express the opinion, that too large a proportion of the public burthen is imposed upon those who are subject to a poll tax only, and that the range of taxation should be extended. Subsequent reflection has satisfied me entirely of the correctness of the position. The poll tax on the day laborer and the capitalist is precisely the same; and it sometimes happens that the latter, like the former, is subject to no other species of contribution. In the one case, it is an onerous imposition; in the other, a tax a thousand fold greater might occasion no sensible inconvenience. It seems at least to be worthy of consideration, whether pleasure carriages, and other articles of luxury, and especially collateral inheritances, should not be brought within the operation of our revenue laws.

The Report of the Public Treasurer will exhibit a detailed statement of the receipts and expenditures of the Treasury Department, which will present all the information that can be desired upon the subject. His views with respect to our financial system, will command attention, and afford satisfactory evidence of the diligence and ability with which his duties have been discharged.

The Bank of the State of North Carolina, incorporated by an act of the last Legislature, has gone into operation at an earlier period, and under more favorable auspices, than was anticipated by its most sanguine friends. The entire amount of stock authorized to be subscribed by individuals (900,000 dollars) has been taken, and the payments made with more than ordinary punctuality. Of the stock reserved for the State, (600,000 dollars,) but one fourth has been subscribed and paid for by the Public Trea-

surer. The remaining three fourths must be secured within the period of two years from the first of January next, or the privilege reserved to the State will be forfeited. Your attention is thus early directed to the subject, that proper measures may be adopted by a judicious revision of our revenue laws, by the sale of other public stocks, or by resorting to a loan, to attain one of the leading objects contemplated by the charter of this institution.

Some legislation is necessary with respect to the publication and distribution of the Acts of Assembly. The transmission of a single copy to the Executive of each State, is at present authorized, while we receive from nearly all the States a copy for the Executive Department, and one for each branch of the Legislature. It is the duty of the Secretary of State to deliver to the Public Printer, at an early period after the adjournment of the General Assembly, copies of all acts which have been passed. But it is not made the duty of any one to arrange the order of publication, to prepare indexes and marginal notes, and to revise the proof sheets. This evil has been increased by the anxiety which prevails at the close of the session to expedite business, by the employment of inexperienced engrossing clerks. The mistakes which last winter escaped the vigilance of the examining committees, have not only deformed the statute book, but have materially affected the construction of some of the most important enactments of the session.

The death of James Grant, Esquire, late Comptroller of Public Accounts, has deprived the State of the services of a faithful and vigilant officer. This event occurred at too late a period to admit of my assembling the Executive Council with a view to a temporary appointment, and the office is, therefore, vacant. The duties of the Comptroller have devolved upon the Treasury Department at the busiest season of the year, and it is desirable that this vacancy should be supplied at as early a day as practicable.

Perhaps a fairer occasion may never be presented for suggesting that the practice which has prevailed of late years, of selecting Counsellors from remote sections of the State, is a virtual infraction of the Constitution. For a long period subsequent to the establishment of our Government, the members of the Council were chosen from the immediate vicinity of the Governor. He was thus enabled, almost without expense to the public, and without any delay, to consult his constitutional advisers on all subjects of importance. Even applications for pardon, in capital cases, were invariably submitted to this body, which was, in fact as well as in name, a branch of the Executive Department. The inconvenience of this innovation may, at no distant day, operate most injuriously. If the late Comptroller had died a few weeks earlier, it would have been impossible to have supplied his place in time for the settlements which the Sheriffs are required to complete by the first of October in each year So nearly has this portion of Executive power been annihilated by modern practice, that those who are presumed to exercise it have not been convened at any period during my administration.

I have received within the last few days the proceedings of a meeting of the citizens of Wilmington, called to consider "the outrage recently committed on American citizens at Nassau, New Providence, by certain officers of that island. The resolutions adopted on the occasion, are laid be-

fore you at the request of the meeting. They will doubtless receive the consideration due to the importance of the subject, and the respectable source from which they emanate. Besides the adoption of such measures as you may deem advisable with respect to this affair, I regret to state that some legislation seems to be necessary to protect the rights of our citizens to their slaves from domestic aggression. The combinations which exist in some of the eastern cities, to prevent, by the expense incident to protracted litigation, the recaption of fugitive slaves, have rendered it the interest of the owner, in many instances, to abandon his title to such property. An individual of this city, in a contest of this character, where the proof adduced was more clearly made out than would, perhaps, be possible in one out of a hundred cases, found it necessary to expend, in the progress of a suit finally decided by the Supreme Court of New York, a much larger sum than the value of the slaves. The evil might find its appropriate remedy in the levy of a tax on slave owners to defray the expenses of similar litigation in future. The knowledge that such a fund existed, would doubtless obviate the necessity of frequent expenditures.

It affords me pleasure to state, that the Attorney General, who has been charged with the duty of pressing our claims for expenditures during the late war with Great Britain upon the consideration of the War Department, entertains confident hopes of a speedy and equitable settlement.—His correspondence upon this subject will be transmitted to you in the progress of the session.

The act passed at the last session of the General Assembly, directing the Governor to appoint three commissioners, whose duty it should be to revise and digest the public statute laws of this State, has been complied with. The trust was, at an early period after the adjournment of the Legislature, confided to William H. Battle, Gavin Hogg and James Iredell, Esquires, who entered upon the immediate discharge of their duties. The severe indisposition of one of these gentlemen has greatly impeded the progress of the work, though it is believed it may be completed within the period limited by law. A report upon this subject is understood to be in preparation, and will probably be transmitted to you in a few days.

My Letter Book, together with the various resignations which have been transmitted to this Department since the adjournment of the last Legislature, will be laid before you by my Private Secretary.

The various important topics with respect to which I have considered it my duty to express my opinion, have extended this message to an inconvenient length. I have found it necessary, nevertheless, to reserve some matters of less general interest, which will be submitted for your consideration in the progress of the session. In conclusion, I have only to assure you of my hearty co-operation in every measure which may be calculated to preserve the liberty and promote the prosperity and happiness of our constituents.

DAVID L. SWAIN.

Executive Department, North Carolina,
November 17, 1834.

REPORT

OF

THE PUBLIC TREASURER

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

Transmitted, according to act of Assembly, on the 19th Nov'r, 1834.

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Treasury Department, No. Ca.
NOVEMBER 17, 1834.

SIR,—I have the honor herewith to transmit to you, to be laid before the General Assembly, a Report, prepared in obedience to the act of 1827, entitled "an act concerning the Public Treasury."

I have the honor to be,

With great respect, Sir,

Your obedient servant,

W. S. MHOON.

The honorable the Speaker
of the House of Commons.

REPORT.

Treasury Department, No. Ca.
November 17th, 1834.

The Honorable the General Assembly of the State of North Carolina:

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "an act concerning the Public Treasury," the Public Treasurer respectfully submits the following

REPORT:

I. Of the Public or Unappropriated Revenue & Expenditures.

The balance of cash in the Public Treasury on the first day of November, 1832, was		$7,924 73¾
The receipts of the ensuing fiscal year, ending on the 31st Oct. 1833, amounted to		188,819 97
		196,744 70¾
The disbursements during the same period amounted to		138,867 46¾
Balance 1st Nov. 1833, as reported to last Assembly,		57,877 24

The receipts at the Treasury for the last fiscal year, that is, from the 31st Oct. 1833, to the 1st Nov. 1834, amount to two hundred and two thousand, one hundred and twenty-seven dollars and twenty-eight cents, (202,127 dollars, 28 cents,) viz.

Cash received of the Sheriffs for public tax of 1833, being the *ordinary* revenue payable into the Treasury on the 1st Oct. 1834, and not specifically appropriated, [see Appendix, General Statement,]	$67,970 96	
Ditto on account of additional returns of taxes, [see statement A,]	219 40	
Ditto State Bank of North Carolina, for dividends of capital stock, (Feb. 1834,)	55,360 00	
Ditto do. do. (Sept. 1834,)	27,680 00	
Ditto Bank of Newbern, dividends of capital, (Jan'ry, 1834,)	36,360 00	
Ditto State Bank of North Carolina, for dividend of profit, (Dec'r, 1833,)	5,536 00	
Ditto Bank of Cape Fear, for dividend of profit, (June, 1834,)	30 00	

Ditto Bank of Newbern, tax for the year ending 1st July, 1834,	$2,296 35		
Ditto Bank of Cape Fear, do. do.	2,045 56		
		4,341 91	
Ditto John L. Henderson, Clerk of the Supreme Court, (Act of 1831,) -		350 00	
Ditto John Miller, Clerk of Buncombe County Court, on judgment against him for tavern licenses, - -		675 08	
Ditto Miss E. A. Haywood, for rent of lots for the year 1833, - -		10 00	
Ditto John Holloway, on his bond for sales of land near Raleigh, Principal	$337 57		
Interest	101 23		
		438 80	
Ditto Charles Manly, his last bond given for purchase of Machine tract of land, Principal	$408 00		
Interest	67 04		
		475 04	
Ditto sundry persons, purchasers of furniture at the Government House, [Statement B.] Principal	349 82		
Interest	2 80		
		352 62	
Ditto sundry persons, purchasers of the property of the late John Haywood, Esq. [Statement C,] Principal	1,475 96½		
Interest	851 50½		
		2,327 47	
			202,127 28
Which, added to the balance above stated, make the sum of			260,004 52
The disbursements at the Treasury for the same period, that is, from the 31st Oct. 1833, to the 1st Nov. 1834, amount to - - -			191,571 11
Which deducted, show the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable on the 1st November, 1834, to be			68,433 41

The disbursements for the year, as stated above and deducted, consist of the following items, viz.

General Assembly, (see Appendix No. 1,)	$42,424 98
Rebuilding Capitol, (No. 2,) -	68,500 00
Judiciary, (No. 3,) - - -	23,907 75
Treasury Notes burnt by com. Finance session of 1833, (No. 4,) - - -	10,565 41
Executive Department, (No. 5,) -	2,525 00

Treasury Department, (No. 6,)	2,000 00
Department of State, (No. 7,)	1,193 00
Comptroller's Department, (No. 8,)	1,000 00
Stock in the Bank of the State of North Carolina, (No. 9,)	80,000 00
Library Fund, (No. 10,)	148 25
Contingencies, (No. 11,)	5,792 85
Sisters of James N. Forsyth, (No. 12,)	590 50
Sheriffs for settling tax, (No. 13,)	994 37
Public Printer, (No. 14,)	900 00
Pensioners, (No. 15,)	773 50
Adjutant General's Office, (No. 16,)	200 00
Bogue Banks, (No. 17,)	55 50
	$191,571 11

The Appendix subjoined to this Report, which embraces the statements usually furnished by the Comptroller for the use of the members of Assembly, will be found to contain a detailed exhibit of each and every individual disbursement made at this office during the year. It is referred to for the particulars in each of the above accounts.

The following statements of the moneys received and expended on account of the Literary and Internal Improvement Funds, are also submitted in further discharge of the duties required by the several acts of Assembly.

II. Of the Literary Fund.

The balance of cash in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st Oct'r, 1833, as reported to the General Assembly of that year, was		$117,024 81½
The receipts at the Treasury of money belonging to this Fund for the last year, that is, from the 31st Oct. 1833, to the 1st Nov. 1834, amount to twenty-two thousand, three hundred and seventy-nine dollars and eighteen cents, ($22,379 18,) viz.		
Cash received for entries of vacant land,	$5,499 36	
Ditto sundry auctioneers, for tax on sales at auction, [see Appendix, Gen'l Statement,]	356 74	
Ditto Sheriffs, for tax on tavern licenses, [see do.]	2,417 08	
Ditto State Bank of North Carolina, for dividends of profit on stock owned by the President and Directors of this Fund, (Dec'r, 1833,)	564 00	
Ditto Bank of Cape Fear, do. do. (June, 1834,)	150 00	

Ditto State Bank of North Carolina, for dividends of capital, (Feb'ry. 1834,)	5,640 00	
Ditto ditto ditto (Sept. 1834,)	2,820 00	
Ditto Bank of Newbern, dividends of capital, (January, 1834,) -	2,820 00	
Ditto Bank of Cape Fear, for dividends of profit appropriated to this Fund, (3 per cent. on 704 shares, June, 1834,) -	2,112 00	
		22,379 18
		139,403 99½
Deduct amount paid for 1200 shares of stock in the Bank of the State of North Carolina, -		120,000 00
Balance 1st Nov. 1834, - -		$19,403 99½

III. Of the Fund for Internal Improvement.

Balance on the 31st Oct. 1833, as reported to the General Assembly,		$979 08½
The receipts at the Treasury, on account of the fund for Internal Improvement, for the last year, that is, from the 31st Oct. 1833, to the 1st Nov. 1834, amount to five thousand eight hundred and seven dollars and twenty-three cents, ($5,807 23,) viz.		
Cash received of sundry persons on Cherokee bonds, (schedule D,) Principal, $1,366 69¾		
Interest, 366 53¼	$1,733 23	
Ditto Bank of Cape Fear, for dividends of profit appropriated to this fund, (3 per cent. on 1358 shares, June, 1834,)	4,074 00	
		5,807 23
		6,786 31½
Deduct disbursements for same period, viz.		
This sum paid James Wyche, Superintendent, &c. balance of salary and postage,	$ 25 89	
Ditto William R. Hill, Secretary of the Board of Int. Imp. for his services,	21 00	
Ditto James Wyche, Sup't, salary and expenses, present year, - -	200 00	
		246 89
Balance 1st Nov. 1834, - - -		$6,539 42½

These disbursements from the Fund for Internal Improvement, as well as all others made at this office, are sustained by vouchers properly taken, to which the entries in the books of the office are made to correspond. The accuracy of the whole will be tested by the examination of the Committee of Finance.

RECAPITULATION.

The foregoing statements show balances of cash on hand at the close of the business of the fiscal year, ending on the 31st Oct. 1834, as follows, viz.

Amount as Public Treasurer,	$68,433 41
Ditto Treasurer of the Fund for Internal Improvement,	6,539 42½
Ditto Treasurer of the Literary Fund,	19,403 99½
Making an aggregate amount of	$94,376 83

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this office, and for which he is therefore accountable on the 1st day of November, 1834.

This amount is disposed of (as directed by law) in the following manner, viz.

Deposited in the State Bank of North Carolina, at Raleigh, and remaining at the credit of the Public Treasurer, on the 1st day of November, 1834,	$67,334 25	
Ditto Bank of Newbern ditto,	8,539 68	
Ditto Bank of Cape Fear, Fayetteville,	13,491 42	
		89,365 35
Worn Treasury notes, silver change, &c. in the vault of the Treasury,		5,011 48
Making a corresponding amount of		$94,376 83

It is a fact worthy of the first notice in this report, that the Sheriffs have again been uniformly punctual in their settlements at this office for the last year's revenue. For this they cannot be too highly commended.

In the course of the past year, much time and attention have been occupied in discharging the important duties assigned the Public Treasurer, under the act passed at the last session of the General Assembly, entitled "An act to establish a Bank in the State of North Carolina." In compliance with the provisions of that act, the commissioners appointed to receive subscriptions, in the city of Raleigh, for stock in "the Bank of the State of North Carolina," having made arrangements for causing books to be opened at the various places designated by law, met at the Treasury Office on the first day of February last. Books of subscription were immediately opened, and such preliminary questions as necessarily came within their province, considered and settled. A large portion of the amount paid for stock was to be received by the commissioners. It became necessary, therefore, to determine in the outset, and to make known publicly, what would be received as "an equivalent for specie" under the charter. The determination of the commissioners upon this point was unanimous, and they had the gratification, at the subsequent meeting of the stockholders, to have their course approved by the concurring vote of the whole body. It is satisfactory, also, to state that the whole amount received by the commissioners has since been rendered available as specie, and that a single dollar has not been lost in the process. The books for receiving subscriptions were, of course, kept open, in the first instance, for the space of sixty days, to wit: until the second day of April following. At the expiration of that time, it having been ascertained that the smallest number of shares required to be subscribed by individuals, (4,500,) to give existence to the corporation, had not been taken, books were directed to be re-opened at the several places required by law, and kept open until the first day of May, and immediately thereafter transmitted to the commissioners in Raleigh. On the 21st day of April, it was ascertained by the returns from other places that 4620 shares were taken by individuals; whereupon the commissioners caused public notice to be given, that the first meeting of the stockholders would be held in this city on the 22d day of May. In compliance with this notice, the subscribers convened at the time appointed, and proceeded to organize the institution by the appointment of a directory, the adoption of bye laws, &c.

Up to this time, under the superintendence of the commissioners, individuals had taken 6626 shares, 484 of which were forfeited by neglect to pay the first instalment; leaving 6142 shares to be represented in the meeting by individuals. 300 had been taken by the Public Treasurer, in the name of the State of North Carolina, and 1200, in the name of the President and Directors of the Literary Fund—in all 1500 shares for the State. Upon individual stock, the commissioners received and paid over to the cashier the sum of $272,104

Upon stock taken for the State, - - - 142,500

$414,604

According to the relative number of shares held by individuals and by the State, and in conformity with the provisions of the charter, eight directors were elected by the individual stockholders. Of the other two, on the part of the State, the Public Treasurer is one ex officio, and Gavin Hogg, Esq. under the appointment of the Governor, Secretary and Comptroller, acts as the second. As the requisite amount for putting the Bank into operation had not been received, the stockholders adjourned to meet again on the 21st day of August, requiring, in the mean time, the president and directors to open books for filling up the unsubscribed stock, and to take the necessary steps for putting the Bank into immediate operation, upon the receipt, from individuals, of the amount specified in the supplement to the charter. At the meeting in August, the whole amount of individual stock was taken, and more than the amount of money necessary for going into operation, received. It was, therefore, resolved to commence business without delay, and Wednesday, the 10th day of September, fixed upon as the first discount day; since which time the institution has been doing business, at the Principal Bank, in the usual and regular manner, affording, it is confidently believed, the appropriate facilities and relief to the community anticipated from its operations.

In subscribing for stock, and making payments thereon, in behalf of the State, an effort has been made so to regulate the payments as, at all times, to avail the Treasury of the use of its entire means, without inducing the necessity of borrowing to meet the current demands at the office. With this view, as will be perceived by the Committee of Finance, the cash in the Treasury, at the period immediately preceding the receipt of the annual revenue from the Sheriffs, was reduced to the lowest practicable amount, consistent with the public safety and economy. And under a strict and cautious observance of this policy, it has not been found necessary, or thought expedient, by the Public Treasurer, to exercise the authority given by the act supplemental to the new bank charter, to borrow money at his discretion in behalf of the State. Such authority, however, is useful, though not exercised, inasmuch as it affords a security and protection to the Department in venturing to the full extent of its available means. There is not a prospect, from the present resources of the Treasury, of being able to pay for the amount of stock which the State has reserved the privilege of taking, within the time limited for doing so. In the event that no provision is made by the Legislature, the right will expire on the 1st Jan'y, 1837.

At the meeting of the stockholders of the new Bank, in August, branches were established at Newbern and Tarborough, and agencies at Milton, Leaksville, Charlotte, and Morganton. At the two first named places, branches have gone into operation. But to enable the agencies to do so safely, according to the true intent and meaning of the charter, it is believed that some further action of the Legislature will be necessary. The operation of the agencies will, therefore, be delayed until such an amendment can be effected. The difficulty alluded to, grows out of the phraseology of the 26th section of the act incorporating the Bank. In that section, the word "agencies" is omitted where it should follow the word "branches," thereby withholding from the Bank what was no doubt intended to be conferred, to wit: the privilege of discounting notes payable at its agencies. In connection with this subject, it is also thought proper to suggest the expediency of directing the public deposites now made in

the Bank of Newbern and in the old State Bank, to be hereafter made in the Bank of the State. They are, of course, not wanted by the Banks winding up, and might be advantageous to the new institution. It is also a public convenience to have them placed in an institution in active business.

The great loss of revenue, and the fraudulent practices growing out of the present mode of listing and assessing property for taxation in this State, were brought to the attention of the Legislature in the last annual report from this department. Since that time some pains have been taken to ascertain the amount of the evil, where it exists, and the remedy. Under the existing law, passed in 1819, "every person bound to list lands shall return his list upon oath, *as it respects the number of acres*, and shall affix the value to each tract of land, including the improvements thereon, *not less than the value affixed to the same by the assessors under the last act of Congress, providing for the assessment of the lands of the United States*"—(January, 1815.) In any event, then, the valuation on the tax list, should be equal to that of 1815, and *higher* where an appreciation in the value has occurred since that time, either from improvements on the land or otherwise. The aggregate valuation of the lands in North Carolina at the period referred to, was, in round numbers, fifty three and a half millions of dollars. Since that time, and up to the first of the year 1833—1,249,758 acres of land have been entered and patented in the State, making an increase, by that number of acres, of the amount now liable to pay tax.—These lands, estimated at the average in 1815, and added to that valuation, make an aggregate of more than *fifty six millions of dollars*. Hence it is manifest that the assessment of 1833, upon which the tax received this year was collected, ought *at least* to be equal to that sum, yielding a nett tax of more than thirty one thousand dollars; and if the assessment were made strictly according to the requirements of the act of 1819, it must necessarily be greater, unless reduced by the Board of Appeal constituted by that act.

But let us compare this result with the actual assessment in 1833.—According to the clerks' returns, and the tax collected thereon, the aggregate valuation of the lands in North Carolina is less than forty three millions—showing a deficit in the valuation, at the lowest estimate, of more than *thirteen millions*; the nett tax accruing upon which would be near eight thousand dollars; or about one third of the whole tax at present collected on real estate. It is a fact worth noting in this place, that the land tax has been gradually and *invariably* diminishing for every successive year since the year 1820, when the present rate of taxation was adopted. From the data collected on this subject a table has been compiled, which, it is believed, embraces all the information worth the attention of the Legislature. It shows the valuation in each county in 1815 and in 1833, in the aggregate, and the average per acre—the number of acres at each period—the number entered since—the aggregate valuation of the whole—and the *nett* amount of tax that would arise therefrom. Notwithstanding the immensely depreciated rate at which it is given in, in some of the counties, it will be seen that the *average rate* of giving in throughout the State in 1833, does not fall very far short of the average valuation per acre in 1815—the average rate at the former period (1815) being $2 69; at the latter $2 27. This arises from the fact that much of the land is not listed at all, and, in several of the counties, that which is listed is rated at a

higher valuation per acre than was fixed upon it in 1815. It will also be perceived that although about a million and a quarter acres of land have been entered since 1815, still the quantity now given in for taxation is less than at the former period by more than a million of acres; and estimating the whole surface of the State at 32,000,000 acres, only about three fifths of it are taxed.

An attentive examination in detail, of the facts relative to the poll tax, will expose abuses of equal magnitude. In connection with the table above alluded to, columns are prepared showing the number of free and black polls listed in each county—the number as it should be, corrected according to the best data to be had, such as it is thought may be safely relied on—and the nett amount of poll tax arising from the corrected list. In making this table the following method and rules were observed: In the first place, it was important to avoid exaggeration in details, in order to prevent weakening the strength of such general and practical conclusions, as it was expected to deduce. Hence the census of 1830 has been taken as the basis of calculation, without making any allowance for the increase of population from that time, until the tax list was taken in 1833. The census exhibits the number of free white males from 20 to 30 years old; from 30 to 40; from 40 to 50, and so on. The object was to ascertain the number to be listed for taxation, to wit, the number from 21 to 45. This was done by adding together nine tenths of those between 20 and 30, the whole of those between 30 and 40, and one half of those between 40 and 50. This result is supposed to be as close an approximation to the truth as it is practicable to make, and may be relied on as reasonably certain; at all events, would be more probably too small than too large. The same principle was carried out in ascertaining the number of free colored polls, and the number of slaves taxable, taking the slaves male and female between the ages of 12 and 50. The result for each county, together with the nett tax thereon, is placed in the table referred to, which exhibits in the whole State, an increase on the poll tax of about 30 per cent. It is plain, therefore, that in the land and poll tax the revenue sustains a loss, at the lowest estimate, of about 16,000 dollars—a sum which, with the present revenue, would be abundantly adequate to defray the ordinary expenses of the government, heretofore estimated at about 81,000 dollars. It is also plain that the deficit arises from the neglect in listing the polls and land, and assessing the latter; and, finally, that a remedy for the evil can only be found in such a revision and change of the law in this particular, as will leave less to the honesty and discretion of the proprietors of estates, in giving in their tax lists.

The temptation thrown in the way of the citizen to commit fraud under the present system, and its influence upon the morals of the community, form a consideration, which it does not belong to this Department to discuss.

So far, the evil complained of relates only to the public revenue or State tax. Let us examine its bearing upon the other revenues in the State. It must be recollected that the county taxes are all levied upon the same list and assessment as is the State tax; and that of course the evil extends alike to them. From authentic statements procured from fifty five counties, it is ascertained that the average land tax paid throughout the State for *county purposes*, amounts to twenty six cents on the hundred dollars

value; and that the average poll tax paid in like manner, for the same purposes, amounts to sixty cents on the poll. These rates of taxation applied respectively, to the amount of the deficit in the assessment of real estate, and the number of polls listed in 1833, will exhibit a loss of revenue in the former, of more than thirty four thousand dollars, and in the latter of more than twenty five thousand dollars—making together about sixty thousand dollars; which, with the loss to the public revenue, swells the amount to upwards of *seventy five thousand* dollars—*a sum of money more than equal to the whole of the public revenue*, at present collected by the sheriffs and paid into this office. This is a startling result; but that it is not exaggerated, the facts upon which it depends, will show. Indeed, it is confidently believed, that its correctness would be proved in the fullest manner, could a fair and equitable system of listing and assessing property be adopted and carried out efficaciously.

In compliance with a resolution of the last General Assembly, directing "the Public Treasurer to publish with the Acts of Assembly extracts from the several acts, and parts of acts, which prescribe the duties of magistrates appointed to take the list of taxables," &c. &c. the laws referred to, were collected, arranged, and published as required.

Various accidental causes have operated, to delay a final hearing in the suits between the State and the Banks. They are now, however, in a state of readiness for adjudication, and will probably be decided at the ensuing winter term of the Supreme Court.

In obedience to the act, passed at the last session of the General Assembly, entitled "an act to authorise the Public Treasurer to sell certain lands in the vicinity of Raleigh," the lands referred to, were duly advertised and sold in three several lots, at public sale, to wit: lot No. 1, sold to Fabius J. Haywood at $367 00; lot No. 2, to Henry H. Cooke at $401 00; lot No. 3, to William Thompson at $160 00; making for the whole $928 00—all on a credit of one and two years, with interest from date. The purchasers have executed their bonds, with good sureties, for the respective sums, and been properly charged on the books of this Department.

Another dividend of ten dollars per share on the capital stock of the Bank of Newbern has been declared since the receipt of the last at this office, the proceeds of which ($19,590) will be brought into the Treasury as soon as an opportunity shall occur, of transmitting the certificates to Newbern. A dividend of 8 per cent. on the Buncombe Turnpike stock, is also due the State. The receipt of this latter sum has been delayed for the purpose of applying it to defray the expense incurred in that section of the State, in making surveys and collecting testimony, to be used in behalf of the State, in certain law suits pending in the Circuit Court of the United States. The account for these expenses has not yet been finally settled at this office, but probably will be in the course of a few days.

Collections on the Cherokee bonds have been almost entirely suspended, under the resolution of the Assembly of 1829; and will remain so until further direction from the Legislature.

The statements already referred to in this Report, and others prepared for the use of the members of Assembly, will be found in the accompanying files marked from *(A)* to *(H)* inclusive.

All which is respectfully submitted.

W. S. MHOON, Pub. Treas'r.

(A)

Statement of Cash received in the Treasury, from the 31st day of October, 1833, to 1st day of November, 1834, on additional returns of taxes.

Sheriffs.		Counties.	Tax due.	Amount paid. D. C.
Binum W. Bell	late	Macon	1831	21 60
Thomas K. Morrisey	do	Sampson	1833	17 00
William M. Chesson	do	Washington	1832	14 50
Howell Albritton		Pitt	do	1 26
Gabriel Holmes	late	New Hanover	do	22 24
Thomas Ward		Lincoln	do	29 16
Fielding Slater		Rowan	do	27 61
William Carson		Rutherford	do	19 69
Samuel S. Shepherd		Martin	do	4 61
William G. Jones		Warren	do	23 63
Thomas L. Lea		Caswell	do	20 70
Wm. C. Butler	late	Burke	do	1 18
Nathaniel Harrison		Buncombe	do	16 22
				219 40

I. WETMORE, Cl'k T. D.

(B)

Statement of Cash received on the bonds given for sales of Furniture at the Government House, resolution of General Assembly, 1832.

From whom received.	Principal. D. C.	Interest. D. C.	Total. D. C.
William B. Dunn	8 75		8 75
H. W. Montague	98 85		98 85
R. M. Saunders	23 00		23 00
Henry Gorman	60 95		60 95
Wm. Thompson	39 00		39 00
Wm. F. Clark	36 55	31	36 86
Nathaniel O. Blake	8 77	07	8 84
William G. Hill	20 00	36	20 36
John C. Stedman's Adm'r	53 95	2 06	56 01
	349 82	2 80	352 62

I. WETMORE, Cl'k T. D.

(C)

Statement of cash received in the Treasury, on the bonds due for the sales of land and negroes lately the property of John Haywood, deceased, from 31st Oct. 1833, to 1st Nov. 1834.

Date.	From whom received.	Principal.	Interest.	Total.
1833		D. C.	D. C.	D. C.
Nov'r 20	Edward Rigsbee	626 37½	143 45½	769 83
25	Micajah T. Hawkins	100 33	34 67	135 00
1834				
March 7	John S. & G. W. Haywood	38 34	357 86	396 20
Oct'r 1	Martha Jones	497 92	230 60	728 52
11	William H. Haywood, Jr.	213 00	84 92	297 92
		1475 96½	851 50½	2327 47

I. WETMORE, Cl'k T. D.

(D)

Statement of Cash received in the Treasury on the Bonds due on account of sales of Cherokee lands, from 31st October, 1833, to 1st November, 1834, belonging to the Fund for Internal Improvement.

Date.	From whom received.	Bonds paid.	Principal.	Interest.	Total.
1833			D. C.	D. C.	D. C.
Nov. 23	Thomas Rogers	full 4th		13 37	13 37
"	John Hooper	do 2d	15 49	8 78	24 27
"	Do do	part 3d	25 73		25 73
"	Goldman Ingram	full 4th	14 17	10 37	24 54
"	Thomas Gribble	do 3d	24 84½	22 36½	47 21
"	Do do	part 4th	7 79		7 79
"	Lincoln Fullum	do 3d	90 00		90 00
25	James Brimer	full 4th	15 21	6 14	21 35
"	Amos Brown	part 3d	51 50		51 50
"	James Ruddell	do 4th	10 00		10 00
29	Zachariah Cabe	part 4th	11 00	39 00	50 00
"	Henry Dryman	full 2d		4 52	4 52
"	Do do	part 3d	28 88		28 88
Dec. 2	Eli Ritchey	full 2d	1 06¼	12 72¾	13 79
"	Do do	part 3d	12 87½	13 33½	26 21
19	James Murray	full 3d	29 53	23 41	52 94
"	Edward Chastain	do 4th	6 00	16 51	22 51
"	Milton Brown	do 3d, 4th	38 27	17 41	55 68
24	Zachariah Cabe	do 4th		126 40	126 40
31	William M'Connell	do 4th	28 02½	52 19½	80 22
1834					
Jan'y 10	Michael Wikle	part 4th	20 00		20 00
11	David Rogers	do 4th	16 32		16 32
M'ch 11	R. Love, Jr. & J. Moore	do 2d	500 00		500 00
"	Do do	do 3d	420 00		420 00
			1366 69¾	366 53¼	1733 23

I. WETMORE, Cl'k T. D.

(E)

Statement of Insolvents allowed by the Comptroller to the Sheriffs in their settlement of the taxes of 1833.

Sheriffs.	Counties.	Amount.
		D. C.
Howell Albritton	Pitt	15 60
Richard G. Cowper	Hertford	14 00
John J. Bryan	Wilkes	8 40
James Simmons	Halifax	14 20
William Kenneday	Davidson	8 20
Absalom Fulford	Carteret	8 00
Elisha Harrison	Johnston	8 40
James R. Riddick	Gates	13 20
Thomas B. Wright	Surry	1 20
William Crawford	Richmond	10 00
William D. Rascoe	Chowan	6 00
James H. Wood	Northampton	14 40
John A. Barnett	Person	20
Martin Roberts	Rockingham	14 00
John M'Lean	Cumberland	19 60
Guston Perry	Franklin	20 60
Horace D. Bridges	Chatham	40 90
Isaac Baxter	Currituck	8 80
Joshua A. Pool	Pasquotank	9 80
Paschal B. Burt	Wake	16 60
Salathiel Stone	Stokes	21 40
James Long	Perquimons	5 40
Hampton B. Hammond	Anson	25 00
James W. Doak	Guilford	27 00
Spencer L. Hart	Edgecomb	37 80
William G. Jones	Warren	19 40
Hiram Caldwell	Iredell	15 00
Thomas J. Pasteur	Craven	34 80
Nathaniel Harrison	Buncombe	3 40
John W. Taylor	Greene	5 00
William Thompson	Wayne	13 00
John Boon	Burke	14 20
William Carson	Rutherford	30 00
Thomas Ward	Lincoln	6 00
Fielding Slater	Rowan	42 00
James Truit	Macon	12 60
		564 10

I. WETMORE, Cl'k T. D.

(F)

A statement of Treasury Notes issued and reported by the former Public Treasurer, to the Comptroller of the State, to have been put in circulation according to the Acts of Assembly of 1814, 1816 and 1823.

Amount issued under the Act of		1814		$82,000 00
Ditto		1816		80,000 00
Ditto		1823		100,000 00
				262,000 00
Amount burnt by Committee of Finance according to the Comptroller's Report of		1819	$943 34	
Ditto	ditto	1821	7,710 00	
Ditto	ditto	1822	9,784 52	
Ditto	ditto	1823	6,310 51¼	
Ditto	ditto	1824	5,696 25	
Ditto	ditto	1825	12,170 89¼	
Ditto	ditto	1826	15,392 46	
Ditto	ditto	1827	15,523 98	
Burnt by Committee of Finance		1827	9,303 76	
Ditto	ditto	1828	17,781 89	
Ditto	ditto	1829	19,971 85½	
Ditto	ditto	1830	21,601 61	
Ditto	ditto	1831	29,811 77	
Ditto	ditto	1832	18,681 38¾	
Ditto	ditto	1833	10,565 41	
				201,249 63¾
				60,750 36¼
Deduct amount on hand in the vault of the Treasury				4,635 02
Showing a balance unredeemed and in circulation of				$56,115 34¼

W. S. MHOON, Pub. Tr.

(G)

A statement showing the number of shares of Bank Stock owned by the State of North Carolina, and by the President and Directors of the Literary Fund, on the 1st Nov. 1834.

Shares of Stock of the Bank of the State of North Carolina, held in the name of the State of No. Ca.	300	
Ditto ditto owned by the President and Directors of the Literary Fund - - - - -	1,200	
		1,500
Ditto stock of the Bank of Cape Fear, owned by the State, and dividends unappropriated - - - -	10	
Ditto ditto dividends appropriated to the Fund for Internal Improvement - - -	1,358	
Ditto ditto dividends appropriated to the Literary Fund - - - - - - -	704	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund	50	
		2,122
Ditto stock of the Bank of Newbern, owned by the State, and dividends unappropriated - - - -	155	
Ditto ditto dividends appropriated to the Fund for Internal Improvement - - - - -	1,304	
Ditto ditto dividends appropriated to the Literary Fund - - - - - -	359	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund	141	
		1,959
Ditto stock of the State Bank of North Carolina, owned by the State, and dividends unappropriated -	2,768	
Ditto ditto by the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund - - - - - -	282	
		3,050
Aggregate number of shares - - -		8,631

The State has received on the stock in the State Bank of North Carolina the following dividends of the capital, viz.

One dividend of - - - - -	$50	per share.
Ditto - - - - - - -	20	do
Ditto - - - - - - -	10	do
Total capital received of State Bank	$80	per share.

On the stock in the Bank of Newbern:

One dividend of - - - -	$25	per share.
Ditto - - - - -	20	do
Total capital rec'd of Bank of Newbern	$45	per share.

W. S. MHOON, Pub. Tr.

(H)

State of the Bank of Cape Fear on Monday morning, the 6th January, 1834.

	Dollars.		Dollars.
Capital Stock	496,800	Specie and Notes of Bank U. States	97,092
Notes of this Bank in circulation	545,165	Deposites in Foreign Banks	350,065
Deposites	89,583	Due by Banks in North Carolina	1,583
Dividends unpaid	1,665	Notes of other Banks on hand	11,839
Due to Banks	483	Real Estate	73,116
Profit and Loss	183,261	Debt, including "Bills of Exchange in suit"	783,262
	1,316,957		1,316,957

JOHN HILL, Cash'r.

State of the Bank of Cape Fear on the morning of the 2d July, 1834.

	Dollars		Dollars.
Capital Stock	505,140	Specie and Notes of Bank U. States	114,358
Notes of this Bank in circulation	518,555	Deposites in Foreign Banks	330,930
Deposites	79,292	Due by Banks in North Carolina	150
Dividends unpaid	1,665	Notes of other Banks on hand	10,908
Due to Banks	41,664	Real Estate	71,755
Profit and Loss	204,458	Debt, including "Bills of Exchange in suit"	822,673
	1,350,774		1,350,774

JOHN HILL, Cashier.

Bank of Cape Fear,
18*th July*, 1834.

WM. S. MHOON, Esq. *Pub. Treas'r.*

I forward you above, state of this Bank on the 2d instant.
Very respectfully, your obedient servant.

JOHN HILL, Cashier.

An Exhibit of the affairs of the Bank of Newbern, 31st January, 1834.

		Dollars.			Dollars.
Amount of the Bills Receivable		435,032	Capital Stock 7062 shares or	$706,200	
Do of Real Estate		27,900	Less by div'd of capital 25 pr. ct.	176,550	
Do debt of Sherwood Haywood		20,000			529,650
Do due from Foreign Banks		135,990	Deposites subject to checks		121,257
Do do on Bills of Exchange		68,706	Due to Foreign Banks		10,066
Do of Specie	22,853		Do to dividends on profit		503
Do of United States Notes	30,117		Do to do of capital of 25 per cent.		6,100
		52,970	Do to Newbern notes in circulation		223,626
Balance loss on 7062 shares		150,604			
		891,202			891,202

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Bank of Newbern,
February 21, 1834.

Wm. S. Mhoon, Esq. *Pub. Treas'r.*

Sir: The above Exhibit was laid before the Stockholders at their late adjourned meeting. They passed resolutions requiring of the officers of the Bank to make speedy collections of its debts; and adjourned to meet again the 23d of August next.

Respectfully, your obedient servant.

JNO. W. GUION, Cashier.

State of the affairs of the Bank of Newbern, taken on Saturday, 28th June, 1834.

	Dollars.			Dollars.
Amount of Bills Receivable	287,171	Capital Stock of the Bank		706,200
Do Real Estate	25,900	Less by dividend of 25 per cent.	$176,550	
Do Individual Debt	12,432	Do by do of 20 per cent.	141,240	
Due from Foreign Banks	29,506			317,790
Do Bills of Exchange	48,307			
Amount in Specie	23,275	Capital reduced to		388,410
Do United States Notes	66,677	Amount of Deposites		72,866
Balance loss on 7062 shares	137,837	Due to Foreign Banks		10,507
		Do to dividends on profit		345
		Do to do of capital		7,640
		Do to notes in circulation		151,337
	631,105			631,105

Bank of Newbern,
July 10th, 1834.

Wm. S. Mhoon, Esq. *Pub. Treas'r.*

Sir: The above Exhibit of the affairs of the Bank of Newbern, represents only such debts as are estimated to be good.

With great respect, your obedient servant.

JNO. W. GUION, Cashier

An Exhibit showing the situation of the State Bank of North Carolina, 20th May, 1834.

	Dollars. Cts.		Dollars. Cts.
Specie	55,232 54	Capital Stock	478,775 00
Foreign Bank Notes & Bills of Exchange	287,999 55	Notes in circulation	289,042 00
Foreign Bank credits	38,867 48	Profits reserved to cover bad debts and losses on real estate	144,990 82
Bank Stock taken for debt	20,335 00	Due to deposites and dividends unpaid	259 204 54
Due from individuals for notes disc'd, &c.	636,626 45	Due to Foreign Banks	4,646 88
Real Estate	136,723 52		
Internal Bills and Checks	874 70		
	1 176 659 24		1,176,659 24

CHAS. DEWEY, Cashier.

To Wm. S. Mhoon, Esq. *Pub. Treas'r. N. C.*

Comparative Statements of the listing and assessment of Property for Taxation, in 1815 and 1833, with the nett Tax accruing thereon, &c.

Counties.	Assessment under Act of Congress, 1815.				Assessment for State Tax, 1833.					Taxable Polls listed in 1833.		Taxable Polls according to Census of 1830.		Land and Poll Tax corrected according to the foregoing statements.	
	No. Acres	Aggregate Valuation.	Valuation p'r acre.		No. Acres	Aggregate Valuation.	Valuation p'r acre.		Land entered since 1815, up to 1833.	Free Polls.	Black Polls.	Free males from 21 to 45 years.	Slaves from 12 to 50 years.	Land Tax.	Poll Tax.
		Dollars.	D	C		Dollars.	D	C	Acres.	Aggr'e val. of land in 1815, added to that ent'd since, at same rate					
										Dollars.				D C	D C
Anson	363962	509548	1	40	351077	537571	1	53	70405	608115	736	1757	1245	2519	342 98	707 64
Ashe	211321	211321	1		254376	270139	1	06	73878	287199	785	*	867	253	161 98	210 60
Brunswick	441187	516189	1	17	not stat'd	289277			18148	537422	255	1058	559	1715	303 10	427 52
Buncombe	506875	669060	1	32	474019	652610	1	38	92606	791308	907	581	1904	904	446 29	527 91
Burke	627225	840481	1	34	not stat'd	800023			110366	988371	2586	*	1843	1956	557 44	714 22
Beaufort	333303	810819	2	44	402606	605040	1	50	18898	856930	807	1755	1154	2283	483 31	646 16
Bladen	439902	554276	1	26	415144	433645	1	05	49318	616416	501	1437	634	1583	347 66	416 80
Bertie	347967	1,350096	3	88	332418	995809	2	99	4267	1,566651	649	3142	788	3510	770 79	808 03
Craven	469273	1,787931	3	81	423131	691646	1	63	50107	1,978838	745	2191	1138	3298	1116 06	833 97
Carteret	158490	385151	2	43	127924	276016	1	16	4856	396931	428	479	724	836	223 87	293 28
Currituck	130103	343475	2	64	106861	232185	2	17	6798	361419	506	859	765	1243	203 84	377 51
Camden	116230	412618	3	55	114353	272539	2	38	2729	422305	457	661	712	1093	238 18	339 34
Caswell	262305	786946	3		216028	635938	2	94	1039	790063	736	2427	1200	3191	445 60	825 51
Chowan	96901	643560	6	66	not stat'd	497921				645360	357	1558	446	1994	363 99	458 72
Chatham	503832	1,063085	2	11	not stat'd	917533			10562	1,085370	1148	2147	1360	2539	612 15	738 02
Cumberland	736611	1,293805	1	71	731643	942721	1	29	75363	1,421675	928	2266	1392	2600	801 82	750 50
Columbus	197605	167964		85	394728	175231		44	35550	198181	333	521	390	493	111 78	166 01
Cabarrus	187764	640274	3	41	178716	554016	2	99	4664	656168	685	822	938	1174	370 08	397 06
Duplin	398414	729097	1	83	392835	550812	1	40	10422	748169	586	1591	953	2216	421 97	595 78
Davidson					310939	794904	2	56	3310	see Rowan	1267	681	1444	979		455 53
Edgecomb	443911	1,926572	4	34	458151	1,524986	3	33	2446	1,957187	1009	3369	1104	3711	1092 57	905 22
Franklin	276118	916713	3	32	282608	716220	2	53	444	918187	575	2199	758	2421	517 86	597 66
Guilford	388936	1,186254	3	05	37739	1,099833	2	94	2940	1,193221	1642	1061	2314	1373	674 70	693 16
Gates	161356	544444	3	37	158938	472163	2	97	27	544534	507	1442	636	1789	307 12	455 90
Granville	459941	1,161446	2	64	416819	901545	2	16	1573	1,163598	1066	3839	1389	4488	657 39	1104 88
Greene	147646	549244	3	72	149474	382964	2	58	410	550769	403	1303	414	1450	310 63	350 44
Halifax	379657	2,061540	5	43	not stat'd	1,569893			967	2,066790	824	4056	1237	4953	1165 67	1163 72
Hertford	198584	830081	4	18	165608	606206	3	66	1884	837956	510	1411	717	1843	472 60	481 28
Hyde	340287	813287	2	39	not stat'd	238615			17424	854930	1151	*	656	1011	482 18	313 40
Haywood	157747	201916	1	28	90931	203223	2	23	11082	216100	442	157	546	149	121 88	130 66
Iredell	446229	892458	2		381097	732678	1	92	7956	908330	1157	1486	1582	1918	512 30	658 00
Jones	201422	711020	3	53	194684	399702	2	05	2508	719873	248	1225	385	1590	406 00	373 00
Johnston	473109	846865	1	79	449952	632947	1	41	11279	867055	827	1672	1011	1841	489 02	536 18
Lincoln	633102	1,285198	2	03	618015	1,349603	2	18	28015	1,342068	1619	2133	2428	2613	756 93	947 71
Lenoir	199772	724993	3	63	195787	333491	1	70	3036	736013	347	1528	526	1961	415 11	467 56
Moore	323450	359029	1	11	303751	305914	1	01	47173	411391	519	565	792	822	282 02	303 44
Macon					47767	180360	3	77		180360	538	226	643	231	101 73	164 32
Montgomery	419062	519637	1	24	348871	443762	1	27	59392	593531	719	897	1192	1212	334 75	451 96
Mecklenburg	409167	1,309334	3	20	408278	1,222811	2	99	21265	1,377382	1360	2634	1984	3678	776 85	1064 46
Martin	190130	587303	3	09	187342	491236	2	62	1777	592993	580	1253	796	1627	334 46	455 53
New Hanover	358282	1,293399	3	61	377621	998903	2	64	47570	1,465126	553	2612	855	2845	826 33	691 84
Nash	322341	703034	2	15	414005	518871	1	26	4864	713491	566	1612	645	1774	402 40	454 78
Northampton	308238	1,528862	4	96	288651	1,355054	4	62	723	1,532448	727	3126	831	3647	864 30	841 87
Onslow	230978	605153	2	62	173921	416192	2	39	25790	672722	413	1119	696	1581	379 41	428 08
Orange	590152	1,917993	3	25	538552	1,738122	3	23	10956	1,953600	1870	3161	2257	3797	1101 83	1138 16
Person	212342	511745	2	41	203207	477787	2	35	3416	519977	621	1894	770	2196	293 27	537 61
Pasquotank	116786	496342	4	25	117931	461425	3	91	344	497804	684	1296	971	1418	280 76	449 14
Pitt	355258	1,399719	3	94	306961	961499	3	13	9440	1,436912	2998	*	1014	2707	810 05	699 55
Perquimans	121603	563021	4	63	134130	443351	3	32	2672	575392	520	1174	706	1371	324 53	390 48
Rowan	763762	2,176720	2	85	473741	1,389009	2	93	10676	2,216579	1638	2611	2022	3063	1250 15	955 98
Randolph	408811	891207	2	18	382331	712592	1	86	27949	952135	1032	608	1483	727	537 00	413 48
Rockingham	313078	729472	2	33	306499	654992	2	14	6338	744239	942	1811	1177	2134	419 75	622 47
Robeson	489420	504103	1	03	585551	423264		72	4187	508415	648	1137	954	1200	286 75	404 96
Richmond	297431	463992	1	56	238190	474871	1	99	24857	502768	488	1386	820	1827	283 56	497 64
Rutherford	664024	942914	1	42	499561	836377	1	67	56985	1,023832	1249	1817	1841	1735	577 44	672 29
Sampson	449884	769301	1	71	419295	528104	1	26	9196	785026	768	1540	1139	2009	442 76	591 83
Surry	525766	841226	1	60	502987	738335	1	47	39550	904506	1294	767	1613	961	510 14	483 92
Stokes	378012	899669	2	38	457339	903039	1	97	22876	954113	1191	1243	1779	1441	538 12	605 36
Tyrrell	122064	332014	2	72	119238	247141	2	07	13616	369049	349	630	496	671	208 14	219 40
Washington	175005	437512	2	50	137056	227072	1	66	5014	450047	263	637	443	887	253 83	250 04
Wilkes	258335	457253	1	77	262440	397843	1	51	47921	542073	1302	*	1329	737	305 73	388 41
Wake	564525	1,721800	3	05	540788	1,415659	2	62	2627	1,729812	1314	3454	1649	4138	975 62	1091 72
Warren	290395	1,045425	3	60	293607	930121	3	17		1,045425	563	3341	603	3701	589 62	809 16
Wayne	325176	1,144620	3	52	320959	770431	2	40	5127	1,162667	660	1521	927	1818	655 74	516 06
		53,521,518				42,916633			1,249758	56,021317	54074	96864	68566	125474	31601 28	36479 82
	Average valuation in 1815,		2	69	Average valuat'n in 1833		2	27								

*Not discriminated. †Included in Rowan.

APPENDIX

TO

THE REPORT

OF THE

PUBLIC TREASURER.

1834.

APPENDIX.

DISBURSEMENTS.

(No. 1.)

General Assembly.

				D	C
William D. Moseley,	Speaker of the Senate,		-	242	00
Samuel Arrington,	Member	do	-	174	00
John Beard,	do	do	-	195	00
Mark Brittain,	do	do	-	211	50
Benjamin S. Brittain,	do	do	-	245	75
Otway Burns,	do	do	-	206	25
Joseph P. Caldwell,	do	do	-	201	00
John Clayton,	do	do	-	231	75
Josiah Collins,	do	do	-	137	00
Jesse Cooper,	do	do	-	89	00
Wm. P. Dobson,	do	do	-	200	00
Weldon N. Edwards,	do	do	-	173	60
Henry B. Elliott,	do	do	-	186	00
Herod Faison,	do	do	-	182	50
Hardy Flowers,	do	do	-	181	00
Thomas Foy,	do	do	-	197	00
Edward C. Gavin,	do	do	-	187	00
John A. Hogan,	do	do	-	193	00
Wm. R. Hall,	do	do	-	196	00
James Harrison,	do	do	-	193	50
Charles L. Hinton,	do	do	-	172	80
Daniel Hoke,	do	do	-	207	50
Shadrack Howell,	do	do	-	189	30
John E. Hussey,	do	do	-	192	50
Edmund Jones,	do	do	-	211	00
Reuben Kendall,	do	do	-	196	20
James Kerr,	do	do	-	184	00
George Klutts,	do	do	-	200	50
Daniel Lindsay,	do	do	-	222	15
Duncan M'Cormick,	do	do	-	181	20
Ephraim Mann,	do	do	-	211	00
Alexander Martin,	do	do	-	190	20
Robert Martin,	do	do	-	189	00
Isham Mathews,	do	do	-	183	00
Alexander W. Mebane.	do	do	-	183	30
Robert Melvin,	do	do	-	188	70
Geo. C. Mendenhall,	do	do	-	190	00
William Montgomery,	do	do	-	183	00
Matthew R. Moore,	do	do	-	198	00
Wm. A. Morris,	do	do	-	197	40

			D	C
Washington Morrison,	Member of the Senate,	-	194	00
Wyatt Moye,	do	do -	183	00
Alfred Moye,	do	do -	186	60
Daniel Murchison,	do	do -	175	50
Wm. B. Meares,	do	do -	134	50
Enoch Nash,	do	do -	212	90
Thomas W. Norman,	do	do -	171	60
George Phillips,	do	do -	215	00
Dameron Pugh,	do	do -	215	10
Gabriel Sherard,	do	do -	176	00
Martin P. Shuford,	do	do -	214	70
Luke R. Simmons,	do	do -	201	20
William Sitton,	do	do -	234	50
Henry Skinner,	do	do -	206	37
Jos. B. Skinner,	do	do -	207	40
John M. Skinner,	do	do -	209	00
Will. E. Smaw,	do	do -	201	00
Rich. D. Spaight,	do	do -	181	20
Nathan Stedman,	do	do -	174	60
Thomas G. Stone,	do	do -	168	40
Robert Vanhook,	do	do -	182	00
John Vann,	do	do -	196	50
John Walton,	do	do -	200	65
Hillory Wilder,	do	do -	174	20
David Latham,	do	do -	77	50
Samuel F. Patterson,	Princ'l Clerk	do -	449	00
William J. Cowan,	Assistant do	do -	360	40
Tho's B. Wheeler,	Princ'l Doorkeeper	do -	187	00
Green Hill,	Assistant Doorkeeper	do -	174	80
William Thompson, for funeral charges of David Latham, Esq. late member of Assembly from Martin, resolution General Assembly,			60	10
William J. Alexander,	Speaker House Commons,		260	00
Richard H. Alexander,	Member	do -	195	00
George H. Alexander,	do	do -	209	00
Robert L. Allen,	do	do -	180	00
Joseph Allison,	do	do -	180	00
Caleb Barco,	do	do -	215	90
Dan'l M. Barringer,	do	do -	201	00
William H. Battle,	do	do -	174	20
Cullen A. Blackman,	do	do -	174	00
George Boddie,	do	do -	182	20
John Bragg,	do	do -	161	20
Alex. W. Brandon,	do	do -	195	00
Abram Brower,	do	do -	183	40
John E. Brown,	do	do -	178	40
Alney Burgin,	do	do -	218	25
Turner Bynum,	do	do -	183	00

			D	C
Samuel Calvert,	Member of the	House of Commons,	181	40
Henry Cansler,	do	do -	206	50
Isaac Carter,	do	do -	195	50
Rhoderick Cherry,	do	do -	188	00
John Clement,	do	do -	197	26
John Cloman,	do	do -	190	00
Blount Coleman,	do	do -	188	80
David Corpening,	do	do -	209	00
Richard C. Cotton,	do	do -	179	00
Daniel W. Courts,	do	do -	193	60
Patrick S. Cromwell,	do	do -	180	00
John R. J. Daniel,	do	do -	176	00
John B. Dawson,	do	do -	199	80
Stephen Dodson,	do	do -	185	40
Ninian Edmonston,	do	do -	237	75
Thomas Ennett,	do	do -	201	50
Charles Fisher,	do	do -	189	00
John L. Foreman,	do	do -	188	00
Nathan Foscue,	do	do -	189	60
Joseph Gillespie,	do	do -	177	50
Alexander O. Grady,	do	do -	191	00
Wm. A. Graham,	do	do -	178	20
Andrew Grice,	do	do -	196	25
John S. Gutherie,	do	do -	180	00
James W. Guinn,	do	do -	245	75
John H. Hammond,	do	do -	192	50
Pinckney Hardie,	do	do -	187	00
Sam'l Hardison,	do	do -	201	00
Wm. R. Hargrove,	do	do -	178	60
James Harper,	do	do -	188	00
Jona. H. Haughton,	do	do -	188	00
Benj. Hawkins,	do	do -	189	60
Joseph Henry,	do	do -	216	80
William Horton,	do	do -	209	00
Jona. Horton,	do	do -	215	00
Josiah Houlder,	do	do -	173	00
Philip Irion,	do	do -	191	00
Osmyn B. Irvin,	do	do -	215	50
John B. Jasper,	do	do -	220	00
John B. Jones,	do	do -	224	15
Wm. Jones,	do	do -	194	50
Robert Jones,	do	do -	183	00
Wesley Jones,	do	do -	172	40
John D. Jones,	do	do -	182	00
Dillon Jordan,	do	do -	183	00
Thos. J. Judkins,	do	do -	183	60
Wm. L. Kenneday,	do	do -	199	20
James A. King,	do	do -	201	00
P. N. Kittrell,	do	do -	196	50

			D	C
Sam'l A. Laspeyre,	Member of the	House of Commons,	207	00
Fred. P. Latham,	do	do -	196	20
Henry Ledford,	do	do -	190	00
Samu'l Leffers,	do	do -	207	40
Benj. S. Leonard,	do	do -	201	50
Edmund L. Lilly,	do	do -	191	00
Francis Locke,	do	do -	193	40
Wm. L. Long,	do	do -	181	00
Robert Lyon,	do	do -	189	30
Joseph J. Macklin,	do	do -	174	00
Duncan Malloy	do	do -	193	00
Louis H. Marsteller	do	do -	201	00
Benj. F. Martin,	do	do -	206	00
Chas. W. Mixon,	do	do -	189	20
Alex. W. Moore,	do	do -	215	50
Arch'd Monk,	do	do -	182	00
John H. Montgomery,	do	do -	180	00
Dan'l Murray,	do	do -	214	10
Benj. Mullen,	do	do -	210	05
Charles M'Cleese,	do	do -	211	00
Thomas M'Gehee,	do	do -	180	00
William M'Lean,	do	do -	202	85
Giles S. M'Lean,	do	do -	178	80
John M'Leod,	do	do -	173	00
David M'Neill,	do	do -	180	00
David Outlaw,	do	do -	194	70
Allen Peoples,	do	do -	180	60
Charles Phelps,	do	do -	197	00
Allen Pierse,	do	do -	184	00
J. F. Poindexter,	do	do -	195	00
John W. Potts,	do	do -	185	00
William Potts,	do	do -	201	20
Marmaduke Powell,	do	do -	195	20
Thomas J. Pugh,	do	do -	191	25
Nath'l G. Rand,	do	do -	172	60
Nath'l M. Raper,	do	do -	212	00
S. Register,	do	do -	193	00
Samuel Reddick,	do	do -	201	65
Wm. F. Relfe,	do	do -	212	00
Peregrine Roberts,	do	do -	206	25
James M. Sanderson,	do	do -	219	95
James Seawell,	do	do -	183	00
Benj. Settle,	do	do -	187	00
Charles Shepherd,	do	do -	195	00
Dickson Sloan,	do	do -	189	00
Samuel Smallwood,	do	do -	196	00
John S. Smith,	do	do -	237	75
Sypha Smith,	do	do -	166	50
E. S. Smithwick,	do	do -	191	40

	D	C
Caleb Stephens, Member of the House of Commons,	195	20
John Stockard, do do -	181	80
Thomas Tatham, do do -	245	75
Fred. Taylor, do do -	178	60
David Thomas, do do -	187	00
David Thompson, do do -	195	50
Thomas Tillett, do do -	215	90
Wm. Wadsworth, do do -	182	75
Alexander Watson, do do -	192	00
Harrison M. Waugh, do do -	197	00
James Weaver, do do -	227	20
Baker F. Welch, do do -	204	65
Wm. M. West, do do -	188	00
Eli Whitehurst, do do -	204	00
John Willey, do do -	201	65
James Williams, do do -	188	75
Thomas Wilson, do do -	209	65
William Wiseman, do do -	185	20
Taliafero Witcher, do do -	152	00
James Wyche, do do -	172	00
Leonard Ziglar, do do -	195	00
Charles Manly, Principal Clerk do -	408	00
E. B. Freeman, Assistant do do -	358	00
Richard Roberts, Princi'l Door Keeper do -	174	00
John Cooper, Assistant do do -	196	00
Daniel Coleman, Engrossing Clerk -	256	00
John W. Covington, do -	249	60
Wm. W. Hall, do -	255	00
Taliafero Witcher, Member do -	48	00
Engrossing Clerks' additional pay, per Resolution, -	180	00
Door Keepers' extra, per Resolution, -	100	00
Richard Roberts, articles furnished, per Resolution, -	20	40
Theophilus Hunter, for wood, -	175	00
I. Wetmore, do -	133	00
	42,424	98

(2)

Rebuilding Capitol.

For this sum paid	Wm. S. Drummond,	Superintendent,		3,000	00
Do.	do	do	do	3,000	00
Do	do	do	do	1,000	00
Do	do	do	do	3,000	00

	D	C.
For this sum paid Wm. S. Drummond, Superintendent,	3,000	00
Do do do do	3,000	00
Do do do do	3,000	00
Do do do do	5,000	00
Do do do do	5,000	00
Do do do do	1,000	00
Do do do do	4,500	00
Do do do do	1,000	00
Do do do do	6,000	00
Do do do do	1,000	00
Do do do do	6,000	00
Do do do do	6,000	00
Do do do do	7,000	00
Do do I. Wetmore, Secretary of the Board,	6,000	00
Do do do do	1,000	00
	68,500	00

(3)

Judiciary.

John L. Henderson, Executor of Leonard Henderson, late Chief Justice, per resolution, - -	625	00
Judge Ruffin, his salary last quarter 1833 -	625	00
Judge Daniel, do do do - -	625	00
Judge Gaston, do do to 1st of January, 1834	226	00
R. M. Saunders, Attorney Gen'l, for attending Supreme Court, December Term, 1833 - -	100	00
John L. Henderson, Clerk Supreme Court -	470	70
Thomas P. Devereux, Reporter do	150	00
Joseph Gales & Son, printing and distributing Reports of June Term, 1833 - - - -	201	25
Judge Ruffin, salary 1st quarter 1834 - -	625	00
Judge Daniel, do do do - -	625	00
Judge Gaston, do do do - -	625	00
John L. Henderson, Clerk Supreme Court -	275	40
John L. Henderson, do fees in Supreme Court, case State of North Carolina vs. Bank of Newbern	13	65
Paschall B. Burt, Sheriff of Wake, for attendance on Supreme Court, December Term, 1833 - -	190	00
Judge Ruffin, salary 2d quarter 1834 - -	625	00
Judge Gaston, do do do - -	625	00
Judge Daniel, do do do - -	625	00
John L. Henderson, Clerk Supreme Court - -	325	00

	D	C
Paschal B. Burt, for attending on Supreme Court, June Term, 1834 - - - - -	124	00
R. M. Saunders, Attorney General, do do	100	00
Thomas P. Devereux, salary as Reporter of Supreme Court	150	00
J. Gales & Son, printing Reports of Supreme Court, December Term, 1833, - - - -	511	75
Judge Gaston, salary 3d quarter 1834 - -	625	00
Judge Strange, 2 certificates of 180 dollars -	360	00
Do do 22 do of 90 dollars -	1,980	00
Do Martin, 17 do of 90 dollars -	1,530	00
Do Seawell, 1 do of 180 dollars -	180	00
Do do 20 do of 90 dollars -	1,800	00
Do Norwood, 20 do of 90 dollars -	1,800	00
Do Settle, 1 do of 180 dollars -	180	00
Do do 19 do of 90 dollars -	1,710	00
Do Donnell, 28 do of 90 dollars -	2,520	00
R. M. Saunders, Att'y Gen'l, 19 certificates of 20 dollars	380	00
John Scott, Solicitor General, 20 do of 20 dollars	400	00
Alex. Troy, Solicitor, 4 do of 40 dollars	160	00
Do do do 18 do of 20 dollars	360	00
W. J. Alexander, do 21 do of 20 dollars	420	00
Stephen Miller, do 1 do of 40 dollars	40	00
Do do do 19 do of 20 dollars	380	00
Jno. L. Bailey, do 19 do of 20 dollars	380	00
Wright C. Stanly, do pro. tem. 3 do of 20 dollars	60	00
Jno. S. Hawks, do do 1 do of 20 dollars	20	00
N. W. Alexander, do do 5 do of 20 dollars	100	00
Sam'l T. Sawyer, do do 2 do of 20 dollars	40	00
Wm. D. Moseley, do do 1 do of 20 dollars	20	00
	23,907	75

(No. 4.)

Treasury Notes Burnt.

For this sum burnt by Committee of Finance, session of 1833—4 - - - - -	10,565	41

(No. 5.)

Executive Department.

Wm. R. Hill, Gov. Swain's last quarter salary for 1833	500	00
Wm. R. Hill, Private Secretary do -	75	00

	D	C
Wm. R. Hill, Gov. Swain's salary and house rent 1st quarter 1834	575	00
Wm. R. Hill, Private Sec'y, his salary for 1st quarter 1834	75	00
Wm. R. Hill, for Gov. Swain's salary and house rent 2d quarter 1834	575	00
Wm. R. Hill, Private Sec'y, his salary for 2d quarter 1834	75	00
Wm. R. Hill, for Gov. Swain's salary and house rent 3d quarter 1834	575	00
Wm. R. Hill, Private Sec'y, his salary for 3d quarter 1834	75	00
	2,525	00

(No. 6.)

Treasury Department.

Wm. S. Mhoon, Public Treasurer, his salary for the last quarter 1833	375	00
I. Wetmore, Clerk, his last quarter's salary for 1833	125	00
Wm. S. Mhoon, Public Treasurer, his salary for 1st quarter 1834	375	00
I. Wetmore, Clerk, do do	125	00
Wm. S. Mhoon, Public Treasurer, his salary for 2d quarter 1834	375	00
I. Wetmore, Clerk, do do do	125	00
Wm. S. Mhoon, Public Treasurer, his salary for 3d quarter 1834	375	00
I. Wetmore and Henry W. Miller, Clerks, do	125	00
	2,000	00

(No. 7.)

Department of State.

Wm. Hill, Secretary, his last quarter's salary for 1833	200	00
Wm. Hill, " for copying Laws and Resolutions	393	00
Wm. Hill, " his first quarter's salary for 1834	200	00
Wm. Hill, " his second quarter's salary for 1834	200	00
Wm. Hill, " his third quarter's salary for 1834	200	00
	1,193	00

	D	C
(No. 8.)		
Comptroller's Department.		
James Grant, Comptroller, his last quarter's salary for 1833	250	00
James Grant, do his first quarter's salary for 1834	250	00
James Grant, do his second quarter's salary for 1834	250	00
James Grant, do his third quarter's salary for 1834	250	00
	1,000	00
(No. 9.)		
Stock in the Bank of the State of N. Carolina.		
For this sum paid Commissioners for 1st, 2d and 3d instalments, on 300 shares - - - -	22,500	00
Charles Dewey, Cashier, 4th instalment, on 300 shares	7,500	00
	30,000	00
(No. 10.)		
Library Fund.		
For this sum paid Wm. R. Hill, for V. M. Murphey, purchase of Books for State Library - -	148	25
(No. 11.)		
Contingencies.		
Lawrence & Lemay, extra printing for Executive Office	50	75
Levy Stowe, for carrying express for electors -	17	50
Jas. Grant, Jr. for repairs on Government House	10	00
Simpson & Dupuy, for pitchers, &c. for Governor's Office	2	25
Chas. R. Ramsay, for extra printing - -	114	81
Wm. Robbins, refunded for land - - -	17	60

	D	C
Salathiel Stone, for carrying certificate of election to Thos. Settle	10	00
Wm. R. Hill, Private Secretary, allowance to Governor for house rent, &c.	320	54
Jas. Grant, jr. his salary as superintendent of the Government House, from 30th Sep. to the 19th Nov. 1833	20	41
David Rogers, overpaid for Cherokee lands, per resolution	16	32
Richard H. Weaver, for insolvents, per resolution	12	80
Howell Albritton, sheriff of Pitt, for insolvencies, per resolution	16	20
Willis Williams, for carrying writ of election, per resolution	25	20
Mark Hill, for carrying a writ of election, do	20	00
Archibald Campbell, refunded for land	10	00
Abraham Brower, on resolution	54	00
Isaac Baxter, sheriff of Currituck, insolvencies	10	40
Wm. R. Hill, for use of Roswell Elmer, for advertising Bank notice, per resolution	7	50
Thomas G. Scott, Post Master, for postage	33	67
Do do do do	19	12
Do do do do	7	47
Do do do do	5	72
Lawrence & Lemay, for extra printing	251	79
Wm. R. Hill, amount paid by him for cleaning Government House	8	00
Mary Sloan, for revolutionary services of her husband, per resolution	100	00
J. T. C. Wyatt, Auctioneer, &c.	5	00
W. R. Hill, for use of Roswell Elmer, for advertising, &c.	4	00
E. J. Hale, for advertising Bank notice, per resolution	13	50
Martha Spears, per resolution	50	00
Stephen Owens, late sheriff of Beaufort, refunded, per resolution	128	00
Jos. Gales & Son, for printing for Comptroller's Office	146	50
Joseph Gales & Son, for books, printing and advertising Governor's Office	79	55
Henry W. Ayer, his salary as keeper of the Arsenal at Fayetteville	50	00
W. Hill, for copy of an act of State of South Carolina, for A. Troy, Sol.	7	20
W. R. Gales, for T. Loring, for advertising, &c. pr. res'n	44	50
Thomas G. Scott, Post Master, postage	28	47
Do do do do	3	58
Do do do do	7	21
Do do do do	9	19
Chas. R. Ramsay, for printing extra copies Governor's Message	12	00
Wm. R. Hill, Private Secretary, to be remitted to Daniel Webster, for professional services to be rendered in the		

	D	C
Supreme Court of the United States, in behalf of State of North Carolina, on Gov. warrant - - -	1,000	00
Geo. E. Badger, for services as above - - -	1,000	00
Lawrence & Lemay, for extra printing - -	168	80
Wm. R. Hill, for use R. M. Saunders, for services as Agent of State of North Carolina, at Washington City, &c. on Governor's warrant - - -	200	00
R. W. Ashton, sundry repairs Government House	84	10
Bernard Dupuy, for seals furnished counties of Yancy, Rowan and Buncombe - - - - - -	66	00
Thomas G. Scott, Post Master, postage - -	63	32
Do do do do - -	13	64
Do do do do - -	6	70
Do do do do - -	2	63
R. W. Ashton, services, &c. going to Alabama for John Sugg, a fugitive, on Governor's warrant - -	450	00
Do do for collecting the arms into the Arsenal, per resolution - - - - - -	25	00
Wm. R. Hill, for use of R. W. Ashton, for services and expenses going to Mobile for J. Sugg, a fugitive, on Governor's warrant - - - - - -	125	00
Henry W. Ayre, keeper of Arsenal at Fayetteville	50	00
Wm. R. Hill, Private Secretary, for use erecting monuments over graves of deceased members of Legislature, per resolution - - - - - - - -	136	50
Burwell P. Jordan, for services, &c. going to Milledgeville, Georgia, for G. Tharp, a fugitive, on Governor's warrant - - - - - - -	125	00
Do do do do - -	75	00
Sam'l S. Shepherd, sheriff of Martin, an allowance for mistake made by Clerk County Court, Martin	36	00
Joshua Roberts, compensation for professional services, &c. on Governor's warrant - - - - - -	280	00
R. W. Ashton, for repairs on pump at Government House	6	00
Thomas G. Scott, Post Master, postage - - -	13	42
Do do do do - -	24	11
Do do do do - -	4	51
Lawrence & Lemay, public printers - - -	86	37
	5,792	85

(No. 12.)

The Sisters of James N. Forsyth.

For this sum paid William & Bethunia Perry, being their share (one fifth) of the amount directed by the General Assembly to be paid to the Sisters of James N. Forsyth	118	10

				D	C
Mary L. Medlock,	her share as above	-	- -	118	10
Sally A. Perry,	do	do	do - - -	118	10
Effy J. Higgs,	do	do	do - - -	118	10
Elizabeth B. Smalling,	do	do	do - - -	118	10
				590	50

(No. 13.)

Sheriffs for settling Taxes.

Henry S. Spencer,	for 1832	-	-	23	00
George Cromartie	1833	-	-	12	50
William Thompson	do	-	-	8	00
William G. Jones	do	-	-	7	37
William H. Archibald	do	-	-	18	00
Hiram Caldwell	do	-	-	18	00
Curtis Thompson	do	-	-	10	00
John W. Taylor	do	-	-	9	50
Joseph M'Connaughey	do	-	-	19	00
Thomas L. Lea	do	-	-	9	50
Fielding Slater	do	-	-	15	00
John Boon	do	-	-	23	00
Thomas J. Pasteur	do	-	-	15	00
Thomas Ward	do	-	-	20	00
William Carson	do	-	-	24	00
Nelson G. Howell	do	-	-	36	00
Nathaniel Harrison	do	-	-	33	00
James Simmons	do	-	-	11	00
Joshua Williamson	do	-	-	15	00
George Hoover	do	-	-	10	50
John M'Lean	do	-	-	9	00
H. G. Spruill	do	-	-	20	00
John D. Bennett	do	-	-	15	00
James H. Wood	do	-	-	14	00
Spencer L. Hart	do	-	-	10	00
William Huggins	do	-	-	13	00
Guston Perry	do	-	-	6	10
Joshua A. Pool	do	-	-	23	00
Isaac Baxter	do	-	-	25	00
James Long	do	-	-	19	50
William D. Rascoe	do	-	-	18	00
Samuel W. W. Vick	do	-	-	8	00
Martin Roberts	do	-	-	13	00
James Truit	do	-	-	38	50

		D	C
James Storm	do	12	00
Paschal B. Burt	do	4	70
James W. Doak	do	12	00
William Kenneday	do	13	70
Salathiel Stone	do	13	20
Hampton B. Hammond	do	15	00
John A. Barnett	do	9	00
John Gambill	do	25	00
James C. Turrentine	do	6	60
Samuel S. Shepherd	do	13	50
John Bryan	do	21	00
Asa Russ	do	22	00
Howell Albritton	do	12	90
Absalom Fulford	do	19	50
James R. Riddick	do	18	00
Richard G. Cowper	do	15	50
Allen Grist	do	15	00
John Davis	do	11	00
Luke G. Lamb	do	23	00
Elisha Harrison	do	5	30
John M. Allen	do	15	00
Peter Harrell	do	18	00
Leslie Gilliam	do	7	50
Thomas B. Wright	do	18	00
Henry S. Spencer	do	24	00
Lewis Bond	do	15	00
William Crawford	do	13	00
Nor. M'Donald	do	8	50
James K. Hill	do	10	50
H. D. Bridges	do	7	50
		994	37

(No. 14.)

Public Printer.

Lawrence & Lemay, half year's salary in advance,	450	00
Lawrence & Lemay, second half year's salary in advance,	450	00
	900	00

	D	C
(No. 15.)		
Pensioners.		
Hannah Clark, due Jesse Clark per resolution	37	50
Elizabeth Forbes	60	00
John Minnis	60	00
Martha Thompson	50	00
William Alexander	75	00
Ann Morrison	40	00
Matthew Miller	75	00
John Starrett	96	00
Isabella Campbell	40	00
John Rhem	100	00
Christopher Bexley	50	00
Thomas Ewell	50	00
Elizabeth Reeves	40	00
	773	50
(No. 16.)		
Adjutant General's Office.		
Beverly Daniel, his salary for the half year ending 31st Dec. 1833	100	00
Beverly Daniel, his salary for the half year ending 30th of June, 1834	100	00
	200	00
(No. 17.)		
Bogue Banks.		
Paid Peter Pelletin, under act of Assembly of 1826	16	50
" Jacob Rumby do do	18	00
" Isaac Hellen do do	21	00
	55	50

A GENERAL STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A Statement of the nett amount of that branch of the Revenue which is receivable by the Sheriffs, for the year 1833.

Counties.	No of Acc'ts	Sheriffs' Names.	Land Tax.	Town property Tax.	Poll Tax.	Stud horse Tax.	Store Tax.	Tavern tax belonging to Lit'y Fund.	Pedler tax.	Artificial Curiosity Tax.	Natural Curiosity Tax.	Gate Tax.	Billiard Table Tax.	Negro Trader Tax.	No	Amount due by Sheriffs.	Amount paid by Sheriffs.
			Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.	Dolls. Cts.
Anson	1	Hampton B. Hammond	302 68	13 55	468 31	13 65	163 36	7 52	75 20	28 20	28 20	-	-	-	1	1100 65	1109 65
Ashe	2	John Gambill	144 47	7 99	147 58	3 76	28 20	11 28	-	-	-	-	-	-	2	343 28	343 28
Brunswick	3	Asa Russ	158 96	4 19	238 12	-	51 96	33 84	-	-	-	-	-	-	3	487 07	487 07
Buncombe	4	Nathaniel Harrison	341 67	26 96	276 35	10 34	101 52	11 28	56 40	-	-	4 70	-	-	4	829 42	829 42
Burke	5	John Boon	465 51		490 68	21 62	127 84	45 12	169 20	56 40	14 10	-	-	-	5	1590 27	1590 27
Beanfort	6	Allen Grist	233 82	107 42	481 66	14 10	235 76	116 56	18 80	28 20	-	9 40	-	-	6	1295 72	1295 72
Bladen	7	George Cromarlie	241 03	4 67	364 49	16 92	26 32	7 52	18 80	-	-	4 70	-	-	7	684 45	684 45
Bertie	8	Lewis Bood	365 49	14 40	715 72	27 26	161 68	45 12	47 85	-	14 10	4 70	-	-	8	1596 52	1596 32
Craven	9	Thomas J. Pasteur	232 16	156 76	519 25	1 88	610 06	97 76		47 00	-	-	-	-	9	1664 87	1664 87
Carteret	10	Absalom Fulford	138 86	16 82	165 25		41 56	52 64		-	-	-	-	-	10	414 93	414 93
Currituck	11	Isaac Baxter	130 78		248 35	5 64	47 00	41 36	18 80	-	-	-	-	-	11	491 93	491 93
Camden	12	Luke G. Lamb	153 74		223 34	7 52	105 40	78 96		-	-	4 70	-	-	12	571 66	571 66
Caswell	13	Thomas L. Lea	358 25	48	594 84	40 42	201 16	56 40	75 20	84 60	-	-	-	-	13	1411 15	1411 15
Chowan	14	William D. Riscoe	217 61	63 05	379 20	15 04	141 00	26 32	18 80	56 40	-	-	-	-	14	917 42	917 42
Chatham	15	Horace D. Bridges	501 03	17 15	591 07	40 89	118 44	41 36	37 60	-	-	-	-	-	15	1347 54	1347 54
Cumberland	16	John M'Lean	363 05	173 41	601 22	26 32	982 30	60 16	18 80	-	-	18 80	-	-	16	2244 06	2244 06
Columbus	17	Joshua Williamson	96 53	2 30	161 12	2 82	16 92	11 28	18 80	-	-	-	-	-	17	309 77	309 77
Cabarrus	18	William H. Archibald	301 19		233 32	3 76	75 32	18 80	18 80	-	-	4 70	-	-	18	703 89	703 89
Duplin	19	James K. Hill	310 06	60	409 28	14 10	63 92	48 88	56 40	-	-	-	-	-	19	903 24	903 24
Davidson	20	William Kennedy	433 76	15 25	361 15	32 43	90 24		56 40	28 20	-	4 70	-	-	20	1022 13	1022 13
Edgecomb	21	Spencer L. Hart	852 25	27 83	788 66	69 55	180 48	37 60	37 60	-	-	-	-	-	21	1973 98	1973 98
Franklin	22	Guston Perry	376 93	27 02	502 15	31 02	142 88	41 36	37 60	-	-	-	-	-	22	1158 96	1158 96
Guilford	23	James W. Doak	588 37	30 47	482 78	47 94	355 32			56 40	-	-	-	-	23	1561 28	1561 28
Gates	24	James R. Riddick	266 30		354 00	11 28	62 04	22 56	37 60	-	-	-	-	-	24	753 78	753 78
Granville	25	Leslie Gilliam	487 20	25 46	927 03	33 84	229 36	45 12	37 60	28 20	14 10	-	-	-	25	1827 91	1827 91
Greene	26	John W. Taylor	214 19	1 80	316 03	11 75	65 80	33 84	18 80	-	-	-	-	-	26	662 21	662 21
Halifax	27	James Simmons	884 71	1 97	904 09	86 48	189 88	109 04	94 00	-	-	-	-	-	27	2270 17	2270 17
Hertford	28	Richard G. Cowper	315 72	28 17	366 79	19 74	204 92	33 84	56 40	28 20	-	-	-	-	28	1051 78	1051 78
Hyde	29	Henry S. Spencer	134 58		216 39	3 76	65 80	48 88	37 60	-	-	-	-	-	29	507 01	507 01
Haywood	30	Nelson G. Howell	111 78	3 31	108 85	10 45	37 60	18 80		-	-	-	-	-	30	290 79	290 79
[illegible]	31	Hiram Caldwell	395 37	17 86	479 02	21 15	118 44	18 80	94 00	28 20	-	-	-	-	31	1172 84	1172 84
Jones	32	William Huggins	222 21	3 21	276 55	7 52	50 76	15 04	18 80	-	-	-	-	-	32	594 09	594 09
Johnston	33	Elisha Harrison	347 72	9 26	461 92	12 45	62 04	26 32	37 60	-	-	-	-	-	33	957 31	957 31
Lincoln	34	Thomas Ward	761 17		699 74	44 18	248 16	60 16	188 00	28 20	14 10	-	-	-	34	2043 71	2043 71
Lenoir	35	John Davis	180 31	7 78	352 50	8 46	45 12	30 08	18 80	-	-	-	-	-	35	643 05	643 05
Moore	36	Norman M'Donald	172 82	3 04	207 55	16 92	39 48	33 84		-	-	4 70	-	-	36	478 35	478 35
Macon	37	James Truir	94 96	6 77	141 19	24 44	20 68	30 08	18 80	-	-	-	-	-	37	356 92	336 92
Montgomery	38	John M. Allen	247 41	58	303 81	5 64	109 04	11 28	56 40	-	14 10	-	-	-	38	749 98	749 98
Mecklenburg	39	Joseph M'Connaughey	640 48	49 19	750 88	47 94	224 66	30 08	56 40	28 20	-	-	-	-	39	1827 83	1827 83
Martin	40	Samuel S. Shepherd	277 06		344 60	28 20	103 40	48 88	37 60	-	-	-	-	-	40	839 74	839 74
New Hanover	41	Charles B. Morris	344 43	218 96	595 40	3 76	901 46	52 64	18 80	28 20	-	4 70	470 00	18 80	41	2657 15	2657 15
Nash	42	Samuel W. W. Vick	292 62		409 46	30 08	103 40	41 36	37 60	-	-	-	-	-	42	914 52	914 52
Northampton	43	James H. Wood	762 73	3 85	725 87	77 08	146 64	41 36	112 80	-	-	4 70	-	-	43	1875 03	1875 03
Onslow	44	Peter Harrell	231 33	3 34	288 02	27 26	62 04	33 84	37 60	-	-	-	-	-	44	683 43	683 43
Orange	45	James C. Turrentine	915 53	64 77	945 85	73 32	224 66	60 16	56 40	28 20	-	-	-	-	45	2368 87	2368 87
Person	46	John A. Barnett	269 92		472 82	42 30	69 56	26 32	37 60	56 40	-	-	-	-	46	974 92	974 92
Pasquotank	47	Joshua A. Pool	235 85	30 02	363 78	17 86	266 96	82 72	18 80	56 40	-	-	-	-	47	1072 39	1072 39
Pitt	48	Howel Albritton	521 12	21 17	548 96		112 80	26 32	56 40	-	-	-	-	-	48	1286 77	1286 77
Perquimons	49	James Long	242 83	8 35	316 40	14 57	96 38	15 04	61 10	28 20	-	9 40	-	-	49	789 27	789 27
Rowan	50	Fielding Slater	698 69	79 39	759 33	43 71	199 28	26 32	18 80	28 20	-	-	-	-	50	1853 72	1853 72
Randolph	51	George Hoover	396 93	4 85	508 52	17 39	97 76		47 00	-	14 10	-	-	-	51	886 35	886 35
Rockingham	52	Martin Roberts	369 41		504 40	18 80	150 40	52 64	18 80	-	14 10	4 70	-	-	52	1133 25	1133 25
Robeson	53	James Storm	237 59	1 95	385 20	7 05	24 44	7 52		-	-	-	-	-	53	613 75	613 75
Richmond	54	William Crawford	262 40	5 42	342 91	13 16	71 44		18 80	-	-	9 40	-	-	54	723 53	723 53
Rutherford	55	William Carson	456 90	14 72	548 58	35 93	161 68	120 32	206 80	56 40	28 20	4 70	-	-	55	1654 23	1654 23
Sampson	56	Curtis Thompson	296 36	1 49	435 90	15 98	39 48	18 80	94 00	-	-	-	-	-	56	900 01	900 01
Surry	57	Thomas B. Wright	409 41	7 42	386 34	28 43	75 20	30 08		56 40	14 10	-	-	-	57	1007 38	1007 38
Stokes	58	Salathiel Stone	471 93	43 02	440 86	26 32	166 66	52 64	18 80	28 20	28 20	-	-	-	58	1273 63	1273 63
Tyrrell	59	Hezekiah G. Spruill	139 38		184 05	16 92	35 84	22 56	9 40	28 20	-	-	-	-	59	434 35	434 35
Washington	60	John D. Bennett	108 80	19 27	169 20	6 64	134 42	26 32		56 40	-	-	-	-	60	520 05	520 05
Wilkes	61	John J. Bryan	209 21	15 17	236 88		60 16	22 56	18 80	28 20	14 10	-	-	-	61	605 08	605 08
Wake	62	Paschal B. Burt	712 28	105 12	889 43	80 84	333 70	75 20	37 60	-	-	-	-	-	62	2234 17	2234 17
Warren	63	William G. Jones	522 36		716 66	41 85	169 20	45 12		28 20	-	-	-	-	63	1523 37	1523 37
Wayne	64	William Thompson	424 60	9 93	398 19		50 76	30 08	56 40	-	-	-	-	-	64	969 96	969 96
			22772 80	1527 95	28042 62	1499 40	9723 94	2417 08	2571 75	1034 00	211 50	98 70	470 00	18 80		70388 04	70388 04

A Statement of the nett amount of that branch of the Revenue which is receivable by the Auctioneers for duties on Sales at Auction, for 1833–34; and from the Banks of Newbern and Cape Fear, for the tax of 1833–34, &c. &c.

Names of Auctioneers.	County and Year.			Sums chg'd to Auctioneers.	Sums paid by Auctioneers.
				Dolls. Cts.	Dolls. Cts.
John T. C. Watt	Wake	county for	1832–33	8 02	8 02
Stephen Birdsall	Do	do	do	23 74	23 74
George W. Davis	New Hanover	do	1833–34	29 25	29 25
Talcot Burr	Do	do	do	42 07	42 07
Nathaniel J. Oliver	Beaufort	do	1833–34	24 05	24 05
Edward W. Wallkings	Cumberland	do	do	217 39	217 39
Joseph Fowler	Craven	do	do	10 22	10 22
Thomas Vaughan	Pasquotank	do	do	60 11	
				416 85	356 74

RECAPITULATION OF RECEIPTS.

		Dolls.	Cts.
Revenue paid by Sheriffs, tax of 1833	$70,388 04		
Paid by Sheriffs on additional returns	219 40		
		70,607 44	
Deduct Tavern Tax, belonging to Literary Fund	2,417 08		
		68,190 36	
Sales of Land and Negroes	2,927 47		
Rent of Public Lots	10 00		
Charles Manly, last bond for Machine tract of Land	475 04		
John Holloway, last bond	438 80		
John L. Henderson, Clerk Supreme Court, Act of 1831	350 00		
John Miller, Clerk County Court at Buncombe	675 08		
State Bank of N. C. (Sundry Dividends)	88,575 00		
Bank of Newbern do	36,360 00		
Bank of Cape Fear (Dividend 3 per cent. on 10 shares)	30 00		
Bank Tax, Newbern 2,296 35			
Do Cape Fear 2,045 56			
	4,341 91		
Sales of Furniture at Government House	382 62		
	202,127 28		
Balance due North Carolina on 1st Nov. 1833	57,877 24		
	260,004 52		
Deduct disbursements for the year ending 31st Oct. 1834, 191,571 11			
		68,433 41	

LITERARY FUND.

Land Entries	5,499 56		
Tavern Tax	2,417 08		
Auction Tax	356 74		
State Bank of N. C. (Dividends)	9,024 00		
Bank of Cape Fear do	2,262 00		
Bank of Newbern do	2,820 00		
	22,379 18		
Balance due Literary Fund, 1st Nov. 1833	117,084 81½		
	139,463 99½		
Deduct amount paid for stock of the Bank of the State	120,000 00		
		19,463 99½	

FUND FOR INTERNAL IMPROVEMENT.

Amount received on Cherokee Bonds	1,733 23		
Bank of Cape Fear, (Dividends)	4,074 00		
	5,807 23		
Balance due 1st Nov. 1833	979 08½		
	6,786 31½		
Deduct disbursements	246 89		
		6,539 42½	
Aggregate sum't of Cash in hands if Pub. Treasurer 1st Nov. 1834		94,376 83	

W. S. MHOON, Pub. Treas'r.

[No. 3.]

Legislature of North Carolina—1834.

REPORT

OF THE

PRESIDENT AND DIRECTORS

OF THE

LITERARY FUND OF NORTH CAROLINA,

TRANSMITTED

According to Act of Assembly,

DECEMBER 3, 1834.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.



EXECUTIVE DEPARTMENT, N. C.
November 27th, 1834.

To the General Assembly of the State of North Carolina.

GENTLEMEN: The Annual Report of the President and Directors of the Literary Fund, for the last year, is herewith transmitted in compliance with the Act of the General Assembly creating that corporation.

DAVID L. SWAIN.

REPORT.

To the General Assembly of the State of North Carolina.

The President and Directors of the Literary Fund, in obedience to the Act of Assembly requiring them to "cause to be kept by the Treasurer for the State, a regular account of all such sums of money as may belong to the said fund; of the manner in which the same has been applied and vested; and to make an annual report thereof to the Legislature, with such recommendations for the improvements of the same, as to them shall seem expedient," repectfully Report:

That the receipts at the Treasury, on account of the Literary Fund, for the year ending on the first day of November, 1834, have been as follows, viz:

The balance of cash in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st Oct. 1833, as reported to the General Assembly of that year, was - - -		$117,024 81½
The receipts at the Treasury of money belonging to the Fund for the last year, that is, from the 31st Oct. 1833, to the 1st Nov 1834, amount to twenty-two thousand three hundred and seventy-nine dollars and eighteen cents, (22,379 18) viz:		
Cash received for entries of vacant land,	$5,499 36	
Ditto sundry auctioneers, for tax on sales at auction - - - -	356 74	
Ditto Sheriffs, for tax on Tavern licenses,	2,417 08	
Ditto State Bank of North Carolina, for dividends of profit on stock owned by the President and Directors of this fund, (Dec. 1833,) - - -	564 00	
Ditto Bank of Cape Fear, do. do. (June, 1833,) - - -	150 00	
Ditto State Bank of North Carolina, for dividends of capital, (Feb. 1834,)	5,640 00	
Ditto ditto ditto (Sept. 1834,)	2,820 00	
Ditto Bank of Newbern, dividends of capital, Jan. 1834,) - - -	2,820 00	
Ditto Bank of Cape Fear, for dividends		

of profit appropriated to this fund, (3 per cent, on 704 shares, June, 1834,)	2,112 00	
		22,379 18
		139,403 99½
Deduct amount paid for 1200 shares in the Bank of the State of North Carolina, - - -		120,000 00
Balance 1st Nov. 1834, - - - - - -		$19,403 99½

Of the foregoing sum, one hundred and twenty thousand dollars ($120,000) have been applied by the Treasurer in payment for twelve hundred (1,200) shares of stock, subscribed by him in the name of this Corporation in obedience to a resolution unanimously adopted by the President and Directors, on the 13th of January last.

The Legislature having at the last session adopted no measure in relation to any of the objects, contemplated in the creation of the Literary Fund, the duties of the Board have been since that period confined within narrow limits:—attention to its preservation, and gradual accumulation, by vesting it in productive stock.

The Board have no recommendation to submit to the Legislature, with respect to the improvement of the fund, which has not been the subject of discussion, at previous sessions. In the discharge of this portion of their duty, they beg leave respectfully to suggest, that the various plans for the improvement of the Swamp land, contained in the Reports of the Board for the years 1827 and 1833, should be either adopted or disapproved. If it shall be considered, that no attempt upon the part of the public, to reclaim them, is expedient, it would seem to be obviously proper, to subject them to appropriation, under the entry laws, or sell them, in the manner that the Cherokee lands have been disposed of, to the highest bidder. The opinions of the Board upon the whole subject, are so fully stated, in the Reports referred to, that nothing more is considered necessary or proper upon their part, than the direct attention to them.

A Resolution adopted at the last session of the General Assembly, made it the duty of the President and Directors of the Literary Fund, to ascertain the amount of the various sums set apart for the purchase of a State Library, which remained unexpended, to appropriate the aggregate amount to the purchase of a library, and to have the arsenal prepared for its reception.

The necessary attention has been given to the subject, and the Resolution complied with as nearly as was practicable. Immediately after the adjournment of the Legislature, the arsenal was examined, and was found to be in a condition that would have required the expenditure of a much larger sum, to have rendered it a proper place for the preservation of books, than was supposed to have been in the contemplation of the

General Assembly: Under these circumstances, the Board determined unanimously, that a catalogue of such works, as would constitute a suitable Library for the State should be prepared under the direction of the President, that immediate purchases should be made of a few rare works from the representatives of the late Judge Murphy, and that arrangements should be made with Messrs. Turner & Hughes, Booksellers, of this city, to procure the rest of the books comprised in the Catalogue at as early a period, as a suitable Library room could be prepared in the new Capitol. The books purchased, are deposited in the Executive office, and are subject to any arrangement, which may be prescribed as most convenient to the Legislature.

The want of a good Library, even for a single session, will be seriously felt. The art of Book-making is known, however, to be in a much more rapid state of improvement in every respect, than any other which has been attempted in this country. The delay even of a year will enable the agents that have been selected for this purpose to procure better editions than can be had at present, at diminished prices. The few books that have been obtained, are valuable, and will doubtless afford the members of the Legislature much information, on many of the important subjects which will engage their attention.

DAVID L. SWAIN, *President.*

[No. 4.]

Legislature of North Carolina—1834.

REPORT

OF

THE ADJUTANT GENERAL

OF

NORTH CAROLINA.

1834.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

REPORT.

Adjutant General's Office,
Raleigh, Nov. 26th, 1834.

To the General Assembly of the State of North Carolina.

GENTLEMEN:

Under cover hereof, I have the honor to submit sundry Abstracts, marked from A. to F. embracing all the information required by law to be communicated annually from this office in relation to the militia.

The act of Assembly of 1831, authorising, upon application, the loan to the several counties of the State, a portion of the public arms, contrary to expectation, has, only to a very limited extent, been carried into effect. It was anticipated, ere this, the whole of the arms at Fayetteville would have been distributed under this act, when the repairs to the Arsenal at that place, so long needed, could with convenience be executed, to place the building in a condition which has become now indispensable to the security and preservation of arms. I would beg leave to recommend, with a view of giving encouragement to Volunteer Regiments, that out of the arms at this depot, the regiments already formed, and such as may hereafter be organized, be furnished with Muskets sufficient to arm, complete, each regiment. There are now three regiments of this description attached to the Militia of the State, who have, as I am well assured, manifested the highest military spirit in their equipments, and in the performance of the arduous duties arising out of their dispersed situations, they are therefore entitled to notice and encouragement.

The arms located at Fort Johnson, have been ordered to this place, and are daily expected. The removal of these arms has become necessary, in consequence of its not being convenient for their longer continuance at the Fort, as advised by the commanding officer. These arms will occupy as much room as the Arsenal here can afford; and when the quota now due the State from the General Government shall have been received, there will not be sufficient room for their reception in the two Arsenals of the State. This circumstance, would seem to hold out a strong inducement to the Legislature to make an early disposition of the arms at Fayetteville, they being the most indifferent, to give place to those expected from the General Government; which together with the arms that will be deposited in the Arsenal here, will make as great a number as the State will probably find convenient to accommodate or necessary to keep on hand at one time for any emergency.

In obedience to a Resolution of the last General Assembly, I have caused the arms which were distributed among the citizens of this place and its vicinity, during the alarm of an insurrection of the slaves in 1831, to be collected and deposited in the Public Arsenal, except a small number, not yet recovered.

I have the honor to be, very respectfully,

Sirs, your obedient servant,

BEV. DANIEL,

Adj. Gen. of the Militia of N. C.

(A.)

ABSTRACT, exhibiting the strength of each Regiment, Brigade and Division of the Militia of North-Carolina; the description and number of arms, and manner of distribution; of those belonging to the State, in the several counties, as authorized by Act of Assembly.

No. of Division.	No. of Brigade.	Counties.	No. of Regiments.	No. of Infantry.	No. of Riflemen.	ARMS.			PUBLIC ARMS.		
						Muskets.	Shot Guns.	Rifles.	Muskets.	Rifles.	Non-commis. officers' swords.
		Currituck	1	816		167	430				
		Camden	2	749	7	62	454	7			
		Pasquotank	3	310		60	150		60		
		Perquimons	4	574		5	495				
	1		4	2449	7	294	1529	7	60		
		Bertie	9	484			119				
		Chowan	5	385			358				
		Gates	6	664			394				
		Hertford	10	519			367		40		
	18		4	2052			1238		40		
1	2		8	4501	7	294	2767	7	100		
		Bladen	41	650		14	470	33			
		Moore	44	836		25	93	8			
		Cumberland	33	700		158	206	135	130		
		"	34	285		52	92	61	40		
		Columbus	85	406		16	244	42			
		Sampson	32	1123		69	511	49			
	4		6	4000		334	1616	328	170		
		Anson	53	579		9	334	110			
		"	54	610			268	244			
		Robeson	42	560		94	316	27	65		
		"	43	307	20	15	107	122			
		Richmond	51	443	58	13	200	155			
		"	93	280		8	87	88			
	14		6	2779	78	139	1312	746	65		
2	2		12	6779	78	473	2928	1074	232		

		Chatham	45	531		24	136	63			
		"	94	806		8	127	233		64	
		Orange	47	590		23	308	41			
		"	48	780		7	347	125			
		"	49	639		17	181	191			
		Randolph	55	491		18	42	312			
		"	56	905		41	135	318	64		
	6		7	4742		138	1276	1283	64	64	
		Caswell	59	1096		9	652	88	63		
		Granville	37	657		24	493				
		"	38	677			550				
		Person	50	715		75	339	55	65		
	16		4	3145		108	2035	143	128		
3	2		11	7887		246	3311	1426	192	64	
		Rowan	63	694		16	195	257			
		"	64	903		72	339	389			
		Davidson	87	667		11	113	305			
		"	88	746		65	164	346	65		
	7		4	3010		164	811	1297	65		
		Lincoln	70	888	51	58			65		
		"	71	1458		15	215	668	65		
		Rutherford	76	635		8	100	272			
		"	77	1002			118	288			
		"	78	579		24	93	204			
	10		5	4562	51	105	526	1432	130		
		Mecklenburg	68	766			492	172	50		
		"	69	654		31	242	168			
		Cabarrus	62	639	7	22	205	227			
		Montgomery	60	706			196	319			
		"	61	529			177	239			
		Volunteer		324	189	123	152	179	170		2
	11		5	3618	196	176	1464	1304	220		2
4	3		14	11190	249	445	2801	4033	415		2
		Buncombe	82	407		3	14	228			
		"	83	811		40	90	502	40		
		Yancy	84	595		5	17	415			
		Haywood	86	599		28	6	221	20		
		Macon	90	1390		12	44	297			
	19		5	3793		88	171	1763	60		
		Burke	79	488	96	94		352			
		"	80	542	28	7	26	259			
		"	81	372		8	54	168			
		Yancy	92	340		4	6	226			
		Iredell	52	859		40	252	375	65		
		"	89	765	111		187	298			
	15		6	3366	235	153	525	1678	65		
5	2		11	7159	235	241	696	3441	125		

	New Hanover	30	626		77	377	16	246		50
	Brunswick	39	458		90	303	32	90		
	Onslow	24	746		100	8				
	Duplin	31	917		4	444	21			
3		4	2747		271	1132	69	336		50
	Jones	25	329		4	199				
	Lenoir	26	433			249		85		
	Wayne	40	848		18	202	24	65		
	Johnston	28	815		15		90			
12		4	2425		37	650	114	150		
6 2		8	5172		308	1782	183	486		50
	Edgecombe	20	595			481				
	"	21	599		28	308	6	120		
	Martin	13	632		7	471		64		
	Halifax	14	434			280				
	"	15	530		60			65		
	Northampton	16	831		65	471		65		
5		6	3621		160	2011	6	315		
	Nash	22	627		2	515	12			
	Warren	23	564		5	345	1			
	Wake	35	739		12	304	33	50		13
	"	36	1045		28	356	160		40	
	Franklin	29	773		21	513	21	1		
17		5	3748		68	2033	227	51	40	13
7 2		11	7369		228	4044	233	51	40	13
	Carteret	17	549			205				
	Craven	18	875		154	194		300		
	Pitt	19	971		12	631	9	105		
	Greene	27	360		6	167	5			
2		4	2255		172	1197	12	305		
	Washington	8	465		43	270		65		
	Beaufort	12	1162		191	705	1	100		
	Hyde	11	651		72	500	12			
	Tyrrell	7	500		100	311				
13		4	2778		406	1786	13	165		
8 2		8	5033		578	2983	25	470		
	Guilford	57	764		440		121			
	"	58	726		184		277			
	Rockingham	67	869			374	75			
	"	91	669		16	227	100			
	Stokes	65	514	228	30	100	318			
	"	66	774			242	303			
	Volunteer		405		163	140				
8		6	4721	228	833	1083	1194			

		Ashe	46	1002		5	10	850				
		Surry	72	735		150	151	220	65			
		"	73	843				145				
		Wilkes	74	737		40	44	481				
		"	75		573	65	294					
	9		5	3317	573	260	909	1696	65			
9	2		11	8038	801	1093	1992	2890	65			
			96	63128	1368	3926	23304	13312	2126	104	65	

(B.)

CAVALRY.

	No. of Companies.	No. of Brigade to which attached.	Number of Commissioned Officers.	Total Commissioned, non-Commissioned Officers, Musicians and Privates.	Arms and Accoutrements			Arms belonging to the State.	
					Swords.	Horseman's Pistols.	Bugles and Trumpets.	Horseman's Pistols.	Sabres.
	3	8	20	145	145	290	6		
	4	10	13	114	132				
	7	11	36	300	289			50	57
	2	12	10	68				136	68
Total,	16		84	627	566	290	6	187	125

(C.)

ARTILLERY.

No. of Regiment.	No. of Companies.	Total commissioned officers.	Total commissioned, non-commissioned officers, musicians and privates.	Ordnance and Accoutrements.									State Arms.	
				4 pound cannon.	6 pound cannon.	Sponges and Rammers.	Ladles and Worms.	Bridles.	Trail Handspikes	Leed Aprons.	Ammunition Boxes.	Sets of Harness.	Muskets.	Horseman's Pistols.
1	2	18	148		2	4	4	4	2	2	4	2	54	

RECAPITULATION.

Infantry, - - - -	63,128
Riflemen, - - - -	1,378
Cavalry, - - - -	727
Artillery, - - - -	148
	65,391

(D.)

Arms belonging to the State.

Places of Location.	Muskets.	Rifles.	Horseman's Pistols.	Sabres.	Non Commiss'd Officers' Swords.	Musket Accoutremenis.	Rifle Accoutrements.	Six pounder Cannon and Carriages.
Fort Johnson	3200	1500			500	3310	1504	4
Arsenal at Fayetteville	1608	205			191		1774	
In hands of the Militia according to returns	2126	104	187	125	65			
Police at Fayetteville	203							
Do Raleigh	13							
Arsenal at Raleigh	214							
Not accounted for in returns, viz:								
Nash - - -	65							
Warren - - -			100	50				
Gates - - -			100	50				
Hertford - -	160		80	60				
Bertie - - -	64		50	50				
Halifax - - -	96							
	7749	1809	517	335	756	3310	3278	4

(E.)

DELINQUENT OFFICERS.

In Returns to the Adjutant General:

Colonel of the	2d	Regiment, Camden County,
	33	" Cumberland. (Lower,)
	70	" Lincoln, (South,)
	90	" Macon,
	73	" Surry, (South,)
Brig. General	3d	Brigade,
	5	"
	14	"
Major General	1	Division,
	4	"
	5	"
	6	"
	8	"

In Returns to the Brigadier Generals:

Colonel of the	2d	Regiment, Camden County,
	67	" Rockingham, (Lower,)
	60	" Montgomery, (East.)
	36	" Wake, (West.)

In Returns to the Major Generals:

Brig. General	5th	Brigade,
	14	"

In Reviews:

Major General	7th	Division,
	1st	"

(F.)

ROSTER OF GENERAL OFFICERS.

No. of Division, or Brigade.	*Names.*	*Dates of Commissions.*
1	Major General Duncan McDonald,	27th December, 1820.
2	" James McKay,	21st " 1822.
7	" M. T. Hawkins,	15th " 1828.
4	" T. G. Polk,	27th " 1829.
6	" N. Whitfield,	7th January, 1831.
8	" J. J. Pasteur,	
9	" S. F. Patterson,	21st December, 1833.
3	" R. C. Cotten,	
1	Brig'r General W. Gregory,	30th December, 1823.
14	" A. Dockery,	10th " 1827.
5	" L. D. Wilson,	27th " 1827.
4	" H. W. Ayer,	29th " 1827.
6	" George Hoover,	7th January, 1830.
12	" N Washington,	30th December, 1830.
17	" Joseph Arrington,	30th " 1830.
11	" William Allen,	1st January, 1831.
15	" Alney Burgen,	2d " 1831.
8	" Joseph Winston,	15th December, 1831.
3	" M. Campbell,	1st January, 1832.
7	" James Cook,	15th December, 1833.
9	" W. Horton,	16th " 1833.
10	" Edward Bryan,	20th " 1833.
13	" H. G Spruell,	26th " 1833.
18	" John Pipkin,	
19	" Philip Brittain,	
2	" Wyatt Moye,	
16	" Thomas Graves,	

[No. 5.]

Legislature of North Carolina—1834.

MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR,

TO THE

GENERAL ASSEMBLY,

IN RELATION TO THE

SALE OF THE CHEROKEE LANDS.

***December 6th*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

MESSAGE.

To the General Assembly of the State of North Carolina.

GENTLEMEN: By an act passed at the last session of the General Assembly, directing the sale of the lands acquired by treaty from the Cherokee Indians, the Governor was authorized in his discretion to direct the sale of the surveyed lands belonging to the State, at such time and place as he might think proper.

A resolution adopted at the same session, authorized "the Governor, with the advice of the Council on the part of the State," to enter into a written agreement with certain individuals, or their agent, claiming title to these lands, under grants to Cathcart and Stedman, and Haldiman and Esselman, binding these persons, in case they should recover all or any part of them, to accept, in payment, such bonds as might be received by the agent of the State, at the sale contemplated by the act referred to.

This subject was regarded as one of much importance, and it was plain that any course which could be pursued, was not free from difficulty. That these lands had been diminishing in value for years, owing to trespasses committed by squatters, and others, was perfectly certain; and this furnished a strong inducement to dispose of them immediately. It was obvious, however, that the Legislature did not intend that a sale should take place, unless the Governor was satisfied that the title of the State was valid; or that all difficulties incident to the transfer of a disputed title, should be obviated by a satisfactory arrangement with the claimants.

The counsel with whom I was directed to confer, entertained a decided opinion that any agreement which could be entered into with the agent charged with the management of the suits in the Federal Court, would have no other effect than to create additional embarrassments. A large proportion, perhaps half the whole number of the plaintiffs, are infants and feme coverts, and no agreement of the agent in question would bind them. The claimants of full age, in case the suits should be decided in their favor, would be entitled to the money and bonds received of the purchasers, while the minors and married women might elect to take the land. In such a state of things, it would be utterly out of the power of the State, to satisfy the demand of both classes of owners.

It seemed very clear, however, that to direct a sale, without any reference to the Resolution, would contravene the legislative will; and I did not hesitate, therefore, to decline exercising the power which had been confided to me.

At present, I incline to the opinion, that it is advisable to dispose of these lands during next year, and risque the consequences; but I shall not feel myself authorized to do so, unless such a course is sanctioned by a repeal of the Resolution.

It has been found impracticable to have a Map of the Cherokee lands executed upon parchment, as required by another Resolution, adopted at the last session of the General Assembly. The Principal Surveyor, (the late Matthew Baird, Esquire,) under whose direction the surveys of 1827 were made, constructed three original Maps upon paper—one of which was deposited in the office of the clerk of Macon County Court; another in the Executive, and a third in the Secretary's office. Both of the latter have been put up on canvass; and there is no need for more than one, to answer any purposes designed to be effected here. I beg leave, therefore, respectfully to suggest the propriety of repealing the Resolution requiring a Map to be constructed upon parchment, and directing the transmission to the office of the clerk of Macon County Court, of the Map now in the Executive office.

DAVID L. SWAIN.

EXECUTIVE DEPARTMENT, N. C.
December 6th, 1834.

[No. 6.]

Legislature of North Carolina—1834.

MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR,

TO THE

GENERAL ASSEMBLY,

TRANSMITTING

A Communication from the Commissioners

APPOINTED TO REVISE THE

PUBLIC STATUTE LAWS OF NORTH CAROLINA.

***December 4th*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

Executive Department,
4th December, 1834.

To the General Assembly of the State of North Carolina.

GENTLEMEN:

I have the honor to transmit, herewith, a communication from James Iredell and William H. Battle, Esquires, two of the Commissioners appointed to revise the Public Statute Laws of this State.

I concur in all the opinions expressed by these gentlemen, and entertain sanguine hopes, that the duties confided to them will be discharged in a manner highly creditable to them, and eminently useful to the public. The appointment of a Clerk, as suggested, would, I am satisfied, not only facilitate and expedite the labors of the Commissioners, but greatly promote the convenience of the legislative body to which the work will be submitted for revision and confirmation. An appropriation of three hundred dollars, would afford adequate compensation for the labors of a competent clerk.

DAVID L. SWAIN.

REPORT.

To His Excellency, Governor Swain:

The undersigned, appointed in conjunction with Gavin Hogg, Esq. by your commission, bearing date the fourteenth day of January, 1834, in pursuance of an Act of the General Assembly, passed at their last session, Commissioners to revise and digest the public statute laws of this State,—

Respectfully Report:

That soon after their appointment, they convened in the city of Raleigh, made a cursory examination of the acts of Assembly and the British statutes in force in this State, and agreed upon the plan on which their revisal should be conducted. In these preliminary arrangements, they were assisted by Mr. Hogg; but they deeply lament what is already known to your Excellency, that the state of this gentleman's health, after long flattering him with the prospect that he would be able to discharge his portion of the duties of the commission, has at last entirely prevented him from any further prosecution thereof. Under these circumstances, the undersigned have proceeded alone, and have revised and digested many of the statutes in force in this State: But as the Legislature evidently intended to entrust this delicate task to *three persons*, they have not thought themselves warranted in submitting the result of the labours of *only two*. They, therefore take the liberty of reporting what they have done—the plan on which they agreed; and a single revised statute as a specimen of that plan to your Excellency, that you may make such communication thereof as you may deem right, to the General Assembly.

The undersigned have revised and consolidated the statute upon many subjects—an enumeration of which, is not thought necessary; but their whole work, as far as it has gone, is subject to the examination of your Excellency, of the General Assembly or of any Committee of that body; and verbal explanations, if wished for, will be cheerfully communicated.

Their plan has been simply to digest and consolidate into one Act, all the various statute laws relating to one subject, occasionally to alter vicious and inadvertent phraseology, and to insert in the body of the statute such new provisions as seemed to them to be manifestly proper. The whole of the statutes reported, must, of course, be again passed upon by the Legislature; and the undersigned have therefore felt the less reluctance, although seldom deviating from the will of the Legislature, heretofore expressed, to suggest, in the form of amendments, the new provisions which seemed to be called for, either by judicial decisions; by the evident haste in which the original act was drawn; or in case of old acts by the altered state of our customs and manners.

As regards the old British statutes, many of which are still in force here, we have, after mature deliberation, concluded to incorporate them in acts distributed according to the subjects to which they relate, clothing them in a modern garb. To report them in their original quaint and antiquated language, would be presenting to the Legislature a body of laws, unintelligible to the great mass of the people; and which few lawyers, however versed in black-letter learning, could understand without the aid of the commentaries which judicial construction has, from time to time, afforded. Many of them are in Norman French—a language originally corrupt, and now obsolete. For these reasons, we are led to believe, that these statutes should be translated into language more befitting the present time; and we are the more confirmed in this conclusion, by the fact, that in many States of the Union, the old British statutes, when believed important, have been re-modelled, and that, even in England, they are now undergoing a process, by which they can be suited to the present manners and customs, to the advanced state of knowledge and science, and to the understandings of the people, for whose use they are designed. In re-modelling these statutes, we shall pay careful attention to the judicial decisions, by which their meaning and construction have been established.

When this revision of the laws shall have been sanctioned by the Legislature, it is proposed, that, in its publication, there shall be an alphabetical arrangement of its contents, as the best means

of facilitating the researches of those who may have occasion to examine it. A short Index of the Contents of all the sections of an act, will be placed at its head, and marginal notes also affixed to each separate section. References, where necessary, will be made from one subject to another, and also to judicial decisions. All the other requisitions of the act, under which this revision is made, shall likewise be complied with.

Without intending to cast the slightest censure upon those who prepared the revisal now in use, we must be permitted to remark, that many of the acts which it includes, are either repealed, or obsolete: And that we believe the Revisal we shall submit, containing only the acts to be in future operation, and comprising all the laws since the year 1820, will not occupy more than one volume, equal in size to one of the present Revised Code.

We, with deference, submit another remark to your better judgment: Our labors will be much accelerated, and we believe the convenience of the Legislature promoted, by authorizing the appointment of a clerk, who shall be paid by the copy-sheet for transcribing what we have prepared, and what of course will exhibit, in its face, many alterations and erasures. With such assistance, we can present to the Legislature every act which has undergone our revision, in apt form, and fair proportions.

We herewith submit "An act concerning entries and grants of land," as the specimen to which we have referred. We request your Excellency to communicate our views to the General Assembly, in such manner as you may deem proper; and we shall receive, with cheerfulness, any suggestion by which our plan may be improved, and the work made more valuable.

With great respect,

Your obedient servants,

JAMES IREDELL,

WILL: H. BATTLE.

RALEIGH, Dec. 3d, 1834.

[No. 7.]

Legislature of North Carolina—1834.

REPORT

COMISSIONERS

APPOINTED TO SUPERINTEND

The Re-building of the State Capitol.

***December 4th*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE,

1834.

REPORT.

To the Honorable the General Assembly
of the State of North Carolina.

In compliance with a Resolution of the General Assembly, passed on the 2nd instant, the undersigned, Commissioners for re-building the Capitol,

Respectfully Report:

That "the original plan of said building," as first adopted by the Commissioners, measured in length, from north to south, one hundred and fifty feet, nine and a half inches; in breadth, from east to west, the principal part of the building, comprising the two halls, measured fifty-eight feet eight inches, with a breadth through the centre, including the east and west projections, of one hundred and two feet. These dimensions have never been changed; the whole to be built of stone, with a basement story, a principal story, and an attic; the two Halls, Supreme Court and Library rooms, to be placed on the principal floor; and the doors and windows of the basement story to be arched at top. It was afterwards, viz. on the 22d August, 1833, determined to add porticos to the East and West fronts, in the style in which they are now exhibited, and to make the doors and windows of the basement story square at the top, instead of arched.

In the lists herewith submitted, full answers will be found to the third, fourth, fifth, sixth, seventh, eighth, and ninth questions in the Resolution, namely: "The numbers and names of the Superintendents, and laborers; the amount paid each for services rendered per diem, or otherwise; also, the number of slaves, if employed by the day or otherwise, and at what price; and whether any reduction is made for loss of work by sickness or inclemency of weather; the number of blacksmiths employed for the use of the State on account of the State House; their pay." The accounts and vouchers referred to in the annual report submitted on yesterday, show what deductions are made for sickness and inclemency of weather.

In answer to the tenth inquiry, viz. "Whether any work has been done by said blacksmiths not for the use of the Capitol; and if so, for whom?" the commissioners have to state, that in November, 1833, two mill-picks were made of cast steel, for Duncan Cameron, for which he paid the superintendent three dollars, which was accounted for by said superintendent, and expended on the building, as will appear in his account settled by the commissioners; also that the following work was done for Henry Seawell, viz. putting steel in ten picks at $5 00; two drills at $1 64; putting steel in two broad axes at $3 00—making the sum of $9 64; with which sum the said Henry Seawell was charged at the time, and which he has this day paid, without admitting his liability to the extent of the charge; also that two mill picks were made for Theophilus Hunter, for which no charge was made, on account of facilities afforded by said Hunter in permitting sand and timber to be taken from his land for the use of the Capitol.

Answers to the 11th and 12th inquiries, viz: "the superintendents, laborers, slaves, teams, et cetera, employed at the quarry, and on the rail road; their pay, and cost of each," will also be found in the accompanying lists. There are no hands employed by the State on the rail road.

In answer to the next inquiries contained in the resolution, viz: "What materials and the price of each have been purchased for the use of the Capitol, and at the Quarry; what disposition has been made of the materials of the old State House; and if sold, to whom, and for what price; and how the proceeds have been applied; has any of the rock, or granite, at the Quarry, belonging to the State, been sold; and if so, by whom, to whom, and for what price; how the proceeds have been applied; and in what state, or condition, was the rock, or granite, at the time of sale; and further, has any rock, or granite, been taken from said Quarry; and if so, what quantity, by whom, and whose authority; and if any rock, or granite, brought from said Quarry to the Capitol Square, for the purpose of building the State-House, has been otherwise used than that of building the same; and if so, what quantity, by whom, and whose permission?" The Commissioners beg leave respectfully to refer to the Report and

Statements submitted by them to the General Assembly on yesterday, together with the accounts and vouchers therein referred to—an examination of which was solicited—and all which they respectfully ask may be considered as a part of this their answer to your Resolution.

In regard to the remaining clauses of the Resolution, viz: "Did any person, or persons, contract to build the Capitol on Union Square, in the city of Raleigh; and if so, who, at what price; the amount and conditions of the bond; the names of the securities, and their place, or places of residence; was the Rock Quarry given up to the said Contractor; and has any architect been employed; and if so, who, and at what price?" The Commissioners state, that under the conviction that they could not make a *contract* for the whole building, as an entire job, without hazarding the interest of the State, either as it regarded the price of the work, or its sufficiency when completed, they declined to exercise the authority given to them to that effect: They deemed it safest and most economical to hire the workmen nd labourers requisite for the work by *time*—the performance of whose duties should be under the immediate superintendence of agents employed for that purpose, while the whole should be conducted under their own supervision and control. William Nichols, jr. Esquire, was first employed as an architect by the Commissioners, to aid them in determining upon a plan and outline of the building: For his services, as architect, and furnishing drafts, &c. he was paid the sum of three hundred and fifty dollars. Since that time, the Commissioners have had the services of Ithiel Town, Esquire, of New-York, as architect; who continues, at times, to give his attention, and to furnish drawings for the carrying on of the work: He has been paid the sum of five hundred and fifty dollars.

Respectfully, your obedient servants,

D. CAMERON,
W. S. MHOON, } *Commissioners.*
HENRY SEAWELL,

RALEIGH, 4th December, 1834.

LIST OF STONE-CUTTERS

EMPLOYED AT THE

State Capitol, Raleigh.

Names.	*Wages per day.*
David Paton, master workman	$3 00
Samuel Packingham, assistant workman	3 00
John Speed, assistant do.	3 00
George Smith, stone cutter	2 00
Andrew Hastie	2 00
Robert Findlater	1 75
William Brunkett	2 25
Robert Crichton	2 00
Thomas Reynolds	1 50
Alexander Campbell	2 00
John Ritchie	2 00
Ralph Smedley	1 75
James Cahill	2 00
Matthew O'Brien	2 00
James Mackay	2 00
Warren Goodno	2 00
John Kennedy	1 75
William Yeaman	2 00
John Welden	1 75
William Cavins	2 00
Archibald Maxwell	2 00
Michael Kelly	2 00
Alexander Reid	2 00
Alexander Graham	1 75
George Pickering	2 00
William Stranach	2 00
Peter Imrie	2 00
Alexander Muirson	2 00
John Prout	2 00
Richard Miller	2 00
William Taylor	2 00
Stephen Boardman	2 00
James Patrick	1 50
Michael Mann	1 75
Hugh Cameron	2 00
Patrick McGowan	1 50
Richard Riddock	2 00
John Campbell,	2 00
John Smith	2 00
David Lauder	1 75
William Orchard	2 00
Richard Brunkett	1 75
John Steele	2 25
Phelix Coghlin	1 75
Henry Ellis	2 00
Andrew Gamble	2 00
John Tenny	2 00
George Herd	2 00
John Frisell	2 00
William Lobb	1 75
Alexander Morrison	2 00
Robert Liberton	2 00
James Sangster	2 00
Robert McChesney	2 00
John Curron	1 75
Anthony Hepper	1 75
William McCarroll	1 75
John White	1 75
David Henning	2 00
William Sumwalt	1 75
Terrance Kelly	1 75
John Debre	1 50
John Diffendall	1 75
William Anderson	1 75
John Carson	1 50
John Taylor	2 00
William Thacker	1 50
John Kane	2 00
John Chambers	2 00
William Cobert	1 75
John Milroy	2 00
John Clark	75
Alexander McGregor	2 00
James Adie	2 00
David Ross	1 50
Isaac Ogden	1 50
Archibald Hood	1 75

LIST OF LABORERS

Employed at the State Capitol, Raleigh.

Names.	*Wages per day.*	*Names.*	*Wages per day.*
Bob Puiliam, slave,	$0 50	Ingram Coman, slave,	50
Joseph Exum	50	Andrew Whitaker, Slave,	50
Joshua Allen	50	Alfred Wheaton, slave,	50
David Watford	50	John Bell	50
Eli Greigson	50	Bailus Bell,	50
Glasgow Saunders, slave,	1 00	Hugh Harp,	25
Peter Saunders, slave,	15	Warren Harp,	50
Washington Saunders, slave,	20	Willis Dunston,	50
Nat Peck, slave,	40	Billy Dunston,	50
Washington Hill, slave,	30	Robert Cooke, slave,	50
John Geddy, slave,	40	Frank Whitaker, slave,	50
Anderson Phillips, slave,	50	Pompey Hunter, slave,	50
Sam Haywood, slave,	50	Sam Gales, slave,	50
Phillip Haywood, slave,	50	Anthony Gales, slave,	50
Bob Hinton, slave,	50	Jordan Spruill, slave,	50
Ephraim Baker, slave,	50	Young Evans,	55
Buck Baker, slave,	50	Daniel Evans,	50
Arthur Baker, slave,	50	Lewis Ward, slave,	50
Alston Tucker, slave,	50	Nathan Stuart, slave.	50
Sandy Haywood, slave,	50	Isham Young, slave,	50
Cato Haywood, slave,	50	Hinton Gowans	50
Joseph Haywood, slave,	50	Lemuel Wardrobe,	50
Moses Haywood, slave,	50	Elisha Williams, slave,	50
Phill Hawkins, slave,	50	John Haywood, slave,	50
Henry Haywood, slave,	50	Tim Harrison, slave,	50
Rochester Haywood, slave,	50	Anderson Haywood, slave,	50
Peter Haywood, slave,	50	William Rhodes,	50
Allen Hutchings, slave,	50	Gideon Hayes,	50
William Ford, slave,	50	Willis Moss,	50
Henry Ford, slave,	50	Alfred Davis,	50
Henry Blount, slave,	50	Boston Finch, slave,	50
Tom Battle, slave,	50	Wylie Simmons,	50
George Stone, slave,	50	Ivan Robinson, slave,	50
Nelson Stone, slave,	50	Sam Richardson,	50
David Stone, slave,	50	Joseph Thomas, slave,	50
Isham Terrell, slave,	50	Horace Thomas, slave,	50
Tom Williams, slave,	50	Madison William, slave,	50
Junius Brickle, slave,	50	Jack High, slave,	50
John Coman, slave,	50	Roger Kelly, slave,	75
Henderson Coman, slave,	50	Ashton's horse and cart,	1 25

LIST OF QUARRY-MEN AND OTHERS,

EMPLOYED AT THE

Quarry for the State Capitol, Raleigh.

Names.	*Wages per day.*
Eleazer Colburn, Master Workman	$2 25
Merritt Dilliard, overseer	2 00
Daniel Young, slave	75
Friday High, slave	60
John Dilliard, slave	50
Burrell Dilliard, Slave	50
Dilliard's Horse and cart	1 12½
William Ralph	1 25
Clarkson Adams	1 25
Neil Brown	1 00
Jesse Johnson	50
Jacob Johnson	40
Michael Haffey	50
Henry Vandergriff	75
Joseph McAdams	1 00
Alexander Blake	1 00
Jackson Mitchell	50
Michael McAllister	1 00
Patrick Rogers	1 00
Michael Rogers	1 00
Joshua Thompson, slave	75
Clayton Cannon, slave	90
Stepney Cannon, slave	50
John Noyes, slave	50
John M'Pheeters, slave	50
Simon M'Pheeters, slave	50
Jesse Jenkins	50
Rowland Jones	50
Prince Craven	50
Sam Coman, slave	50
Ned Dunston	50
Robin Stone, slave	50
Reuben Stone, slave	50
Giles Stone, slave	50
Peter Smith	50
Anderson Haywood, slave	40
Wiley Cotton, Slave	50
Daniel Cotton, slave	50
Buck Cotton, slave	50
Isam Harrison, slave	50
Peter Harrison, slave	50
Redick Atkins	50
Wesley Pulliam, slave	50
Ned Hutchins, slave	50
Evans Williams, slave	50
August Williams, slave	50
William Cross	50
Ned Peck, slave	1 25
Henry Marshall, slave	1 00
Dick Stills	50
Levi Miller	50
Willie Young	50
Bond's Horse and Cart	1 12½
Womble's Horse and cart	1 25
Sam Hutchins, slave	40
Jesse Wigs	50
George Andrews, slave	75
Sampson Cotton, slave	50
One horse used at Quarry, cost	82 50
One Yoke Oxen do.	40 00
Ditto. do.	45 00

LIST OF CARPENTERS AND BLACKSMITHS

Employed at the State Capitol, Raleigh.

Carpenters' Names.	*Wages per day.*
Anderson Nicholson,	1 50
Robert Nicholson,	50
John J. Briggs,	1 25
Thomas Briggs,	25

Blacksmiths' Names.	*Wages per day.*
Nathan Hart,	2 50
Silas Burns,	2 00
Silas Barr,	2 00
Robert Murray,	2 00

[No. 8.]

Legislature of North Carolina—1834.

STATEMENTS

OF THE

AFFAIRS OF THE BANKS IN THIS STATE,

RECEIVED AT THE

OFFICE OF THE PUBLIC TREASURER,

SINCE THE DATE OF HIS

ANNUAL REPORT.

***December* 10*th*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

Treasury Office, N. Carolina,
10*th December*, 1834.

To the Honorable the Speaker
of the House of Commons.

SIR:

I have the honor herewith to transmit to you, to be laid before the General Assembly, Statements of the affairs of the several Banks in this State, received at this Office since the date of the Annual Report of the Treasurer.

I have the honor to be,
With high consideration,
Your most obedient servant,
W. S. MOON.

State of the Bank of Cape Fear on the morning of the 1st December, 1834.

Capital Stock,	$520,540	Specie and Notes Bank U. States,	$108,296
Notes of this Bank in circulation,	597,201	Deposites in Foreign Banks,	396,031
Deposites,	111,360	Due by Banks in North Carolina,	653
Dividends unpaid,	2,178	Notes of other Banks on hand,	12,056
Due to Banks,	65,662	Real Estate,	74,796
Profit and Loss,	205,495	Debt, including "notes discounted" and "Bills of Exchange in suit,"	910,604
	$1,502,436		$1,502,436

Directors' Debt, included in the above:

At Wilmington,	$49,583 09
At Fayetteville,	20,041 23
At Hillsborough,	10.700 00

JOHN HILL, *Cashier.*

An Exhibit, showing the Situation of the Bank of the State of North Carolina, 29th Nov'r, 1834.

Specie,			$117,375 16	Capital Stock,			$755,938 69
Bills of Exchange,			185,400 59	Notes in circulation,			
Notes of other Banks,			133,272	Viz: Issued at Newbern,		$44,905 00	
Due from other Banks,—				Do Tarborough,		42,115 00	
Viz. Bank U States, Phlla.	128,726			Do Raleigh,		292,880 00	
Do. New York,	211,980 09						379,900 00
Do. Fayetteville,	32,998 76			Due to other Banks,			
Do. Norfolk,	3,564 31			Viz: State Rank of N. Carolina,		$184,242 31	
Do Washington,	1,721 50			Bank of Cape Fear, Wilmington,		120 00	
Bank of Va. Petersburg,	64,060 79			Bank of Newbern, Raleigh,		12,318 33	
Farmers Bank of Va. do.	9,833 93						196,680 64
Bank of C. Fear, Fayetteville,	37,437 68			Due for Deposites,			118,601 46
			490,323 06	General Profit and Loss, nett gain,			7,328 50
Due for Bills and Notes discounted,				Bills and Checks in *transitu*,			4,175 20
Viz. By Stockholders,	22,800						
" Directors,	1,421						
" Individuals,	496,699 79						
			520,920 79				
Real Estate,			15,332 89				
			1,462,624 49				$1,462,624 49

Bank of the State of North Carolina,

Raleigh, 29th Nov'r, 1834.

C. DEWEY, *Cashier.*

To WILLIAM S. MHOON, Esq. *Pub. Treas'r, N. C.*

State of the Bank of Newbern, taken on Saturday, 29th November, 1834.

Amount of Bills Receivable,	$197,785	Capital Stock of the Bank,	$317,790
Ditto Real Estate,	22,000	Amount of Deposites,	39,632
Ditto due from S. Haywood's Estate,	11,038	Due to Foreign Banks,	2,460
Due from Foreign Banks,	50,534	Do dividends of profit,	345
Ditto Bills of Exchange,	44,429	Do do capital,	30,575
Amount in Specie,	12,321	Do Notes in circulation,	114,284
Ditto Foreign Notes,	27,204		
Balance, (loss on 7062 shares,)	139,775		
	$505,086		$505,086

Bank of Newbern,
December 6th, 1834.

Wm. S. Mhoon, Esq. *Pub. Treas'r,*

Sir: The above Exhibit of the Bank of Newbern, which I have the honor to forward you, represents only such debts as are deemed to be good; and it is presumed a sufficient allowance is made for the depreciation of the Real Estate.

Very respectfully, your ob'dt servant,

JNO. W. GUION, *Cashier.*

An Exhibit, showing the situation of the State Bank of North Carolina, 22nd November, 1834.

Specie,	$17,661 64	Capital Stock,	$344,085 00
Notes of other Banks, and Bills of Exchange,	17,479 40	Notes in circulation,	245,051 75
Bank Credits	193,919 74	Profits reserved to cover bad debts and loss on real estate,	124,689 28
Bank Stock taken for debt,	9,240 00	Due for deposites and unpaid dividends,	55,726 65
Due for Notes discounted,	477,370 98	Due to other Banks,	4,954 84
Real Estate,	92,896 04	Internal Bills and Checks,	34,060 28
	$808,567 80		$808,567 80

D. W. STONE, *Cashier.*

To Wm. S. Mhoon, Esq. *Pub. Treas'r.*
of the State of North Carolina.

[No. 9.]

Legislature of North Carolina—1834.

REPORT

OF THE

BOARD OF INTERNAL IMPROVEMENTS

OF

NORTH CAROLINA,

TRANSMITTED BY THE

GOVERNOR TO THE GENERAL ASSEMBLY.

***December* 10*th*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

Executive Department,
December 10th, 1834.

To the General Assembly
of the State of North Carolina.

GENTLEMEN:

In compliance with the Act of Assembly, passed in the year 1819, entitled "An Act to create a fund for internal improvements, and to establish a board for the management thereof," I transmit to you the Report of the Board for Internal Improvements, for the present year.

DAVID L. SWAIN.

REPORT.

To the General Assembly of the State of North-Carolina, by the Board for Internal Improvements.

In compliance with the act which requires the Board for Internal Improvement to report annually to the General Assembly, they have at different times recommended various public works to the attention of the General Assembly, but no one of these recommendations has been recently adopted. In the report transmitted last year, the opinion was advanced "that no general "system of improvement can be effected in North-Carolina by "incorporated companies." Another year's experience has tended to confirm that opinion. Of the many charters granted to companies to construct rail-roads by the last and previous General Assemblies, none but a part of the Cape-Fear, Yadkin and Pee-Dee rail-road, from Campbellton to Fayetteville, seems likely to be carried into effect. Every successive failure in these attempts, has the effect to discourage public expectation, and to create the belief, that all such enterprizes in this State are impracticable, or inexpedient. But a little examination into the character and situation of our population, will show that the failure may be occasioned by causes other than the difficulty or inexpediency of the projected works.

In the first place, we have no surplus capital seeking investments. The few monied capitalists among us, find ample opportunities for investments in bank stock, or in loans to individuals. The greater part of the stock in Navigation and Rail-Road Companies, which have been heretofore subscribed, has been taken by agriculturalists—whose patriotism prompted them to contribute something to any project, having for its object the improvement of our country. With them, profits on the stock was but a secondary consideration; and for this reason, the construction of the works, and the affairs of the Company,

could not be expected to occupy much of their time or attention. Residing on farms scattered over a considerable extent of country, they could not often assemble together to consult about the work if they were disposed to do so. Indeed, it is often difficult to find suitable persons for President and Directors living sufficiently near to each other, and the point of improvement, to give that attention which is requisite to insure success.

In the second place, we have no labourers among us seeking employment. Our farmers are profitably engaged on their farms; our mechanics are making money in their shops, or labouring for those who pay fair prices for work with which they are familiar.

None will, therefore, forsake their regular business to embark in a new pursuit, without a prospect of extraordinary gain. In this state of things, if proposals are made to construct any public work, no bidders appear, but greedy adventurers, who generally fail if they undertake, or men determined not to undertake for what it is worth. So strong has been the operation of these causes, that scarcely an instance can be found, except in the construction of some of the roads in the western part of this State, in which a public improvement has been executed by contract in a proper manner, and at a fair price.

The numerous failures and heavy losses occasioned by ignorance and mismanagement, in the early efforts at Internal Improvement, induced the Legislature to direct the Board to employ a civil engineer; which was done at a high salary for several years. But, at that time, the State was interested in several Navigation Companies in different parts of the State; all of which required the attention of the engineer. His time being thus divided, a considerable part of the advantages to be derived from the employment of an engineer was lost to each Company. It should not, therefore, be a matter of surprise if none succeeded well.

To secure the requisite skill, energy and economy in the execution; and to avoid the numerous and perplexing delays, and the heavy losses occasioned by divided plans and inattentive supervision, it seems necessary to have one principal engineer, with suitable assistants, to each rail-road, or other improvement.

The construction and necessary preparatory works, could then be let to contractors in different portions; and the superintendent of public works should have a general supervision of all the expenditures, and receive a compensation sufficient to command his efficient services. Some such arrangement as this, will be necessary, whether the State undertakes any enterprize alone, or in connection with private stockholders. If the State should embark in any extensive system of Internal Improvement, it may be necessary to increase the effieiency of the Board, by adding some member to it who could devote more attention to it than the public treasurer, whose time must necessarily be taken up with the duties of his office.

The accompanying report of the superintendent of public works, contains all the information in possession of the Board relative to the condition of the Clubfoot and Harlow's Creek Canal, the Plymouth Turnpike Road, the Tar, Neuse and Yadkin River Navigation Companies; and the annexed reports marked A, B, C, and D, from the Cape-Fear and Roanoke Navigation Companies, the Clubfoot and Harlow's Creek Canal Company, and the Buncombe Turnpike Company, exhibit a full view of the condition of each of those corporations. No other reports have been received by the Board; if any should arrive during the session of the General Assembly, they will be communicated without delay.

REPORT

OF THE

Superintendent of Public Works.

In obedience to the resolution of the last General Assembly, directing the superintendent of public works "to investigate and examine the accounts and condition of the Neuse, Yadkin, Catawba and Tar River Navigation Companies," and of "the Plymouth and Pungo Turnpike Road and Clubfoot and Harlow's Creek Canal, and to report the result of such investigation to the General Assembly," I entered upon the discharge of these duties on the eighteenth of March, and proceeded, in the first instance, to the

CLUB-FOOT AND HARLOW'S CREEK CANAL.

The canal requires considerable repairs to render it of much value; in its present condition, none but boats of light draught can pass through it. The dirt washed into it by heavy rains, and the slipping in of some portion of the banks, have partly filled up the channel, so as to exclude boats of much burden. The lock at the southern extremity of the canal, has been undermined by the water; which, passing with considerable force under it, has deposited sand—forming bars below. Harlow's creek has a narrow, crooked channel, for some distance below the canal. The Company commenced straightening and deepening the creek; but their funds being exhausted, the work was left in an unfinished and useless condition. Unless something be done to stop the washing in of dirt by heavy rains, and the occasional slipping in of the banks, the canal must soon become utterly useless. To render it of much value, Harlow's creek must be straightened and deepened; and the lock should be placed at the mouth of the creek. These improvements would require a considerable expenditure beyond what could be effected with the tolls. The Company seems to languish in hopeless despair of deriving any profit on the stock, as the amount of tolls received, precludes the expectation that the debt to the State, for which

the canal is mortgaged, can ever be paid. This state of things is extremely unfavorable to the proper management of the canal. The Company cannot be expected to pay the requisite attention to its affairs, when there is no prospect of profit from it.

My examination of the books of the Company, satisfied me that their affairs had been honestly, though injudiciously managed. In first attempting, in 1797, to construct the work with insufficient funds, the canal was projected on a scale too small to be of much benefit. In 1819, when the Company went into operation, under a new charter, to cut a canal of enlarged dimensions, the work was again commenced with inadequate funds; and the loan obtained from the State, was too small to supply the deficiency. These successive attempts to complete it, with inadequate means, has occasioned the expenditure of a sum which at first might have sufficed to have effected the work.

The regular diminution of tolls in each successive year, may be caused, in part, by the gradually increasing obstruction to the navigation; but if the canal was completed, and kept in good repair, it is doubtful whether the trade would be sufficient to reimburse the loan of the State, or even to reimburse the sum that would be now required to effect these purposes.

If so, in a commercial point of view it would be inexpedient to make any further expenditures on it. But, as in time of war, the canal would afford important facilities to our merchants and privateers, State policy might justify the expenditure necessary to complete and preserve it, unless it should be determined to open a ship channel between the waters of Neuse and Beaufort harbor; in which event, it would become nearly useless.

Gross amount of Tolls, accruing from 5th July, 1827, to 3d December, 1827, - - - - -	$361 83
Do. from 3d Dec. 1827, till the 31st Dec. 1828, -	640 23
Do. —— 2d Jan. 1829, —— 31st Dec. 1829, - -	398 50
Do. —— 2d Jan. 1830, —— 31st Dec. 1830, -	393 20
Do. —— 2d Jan. 1831, —— 31st Dec. 1831, - -	327 08
Do. —— 2d Jan. 1832, —— 31st Dec. 1832, -	306 72
Do. —— 2d Jan. 1833, —— 31st Dec. 1833, - -	294 49
Whole amount of Tolls from opening canal to the end of the year 1833, - - -	$2,722 05

PLYMOUTH AND PUNGO TURNPIKE ROAD.

The whole of this work has been constructed; but in a manner which renders it nearly useless. The road is too narrow for carriages to meet and pass in safety; the ditch on the west side, is too small to take off the water, and did not afford earth enough to cover the cause-ways. On two or three miles of that part of the road next to Plymouth, I found it difficult, in many places, for a horse to pass without slipping between the poles, and sinking in soft mud below, so as to run some risk of being crippled. The water, occasioned by recent heavy rains, covered it in many places, so that I could neither ride or walk over it safely.

The examination of the books and papers, showed that the money had been honestly expended; but there seems to have been some unaccountable error committed in receiving the road. If a strict compliance with the terms of letting had been required from the contractors, this work would not have been, as it is now, nearly useless.

It is alledged, that Horace Ely, the contractor of that part of it which I saw, failed to perform his contract; and that it was subsequently let to another person. Mr. Ely gave bond and security for the faithful performance of his engagement, and was therefore liable to the action of the Company; and the subsequent contractor should have been required to complete it according to the original specifications.

As very few persons appear to feel much interest in the road, it will probably be suffered to lie unused, until the bushes and reeds will wholly obstruct it. A larger ditch on the western side, would afford earth sufficient to cover the cause-ways, so as to make a good road; and the enlarged ditch, (or canal, as it might be more properly called), would afford important facilities in getting lumber out of the swamp, of which it affords the best quality. Whether the owners of these lands would contribute towards its accomplishment, has not been ascertained.

A road and canal, as originally projected, would, undoubtedly, enhance their value, and contribute greatly to facilitate the intercourse between Plymouth and Hyde county; but the work is not of sufficient general importance to require the State to effect it.

without contributions from the individuals more immediately interested.

TAR-RIVER NAVIGATION COMPANY.

Not being able to find the books and papers of this Company, it is impossible to state, with precision, much about it. I learn, generally, that soon after the Company was organized, many of the subscribers for stock, refused to pay instalments, which involved the Company in law-suits, which were not finally terminated till 1825.

In the meantime, operations were commenced on the river, with the funds obtained from the State, and the few private stockholders who voluntarily paid the instalments required on the stock. The President and Directors contracted for the erection of a lock below Louisburg; but before its completion, the contractor abandoned the work, and it has been left in an unfinished state. There has been no general meeting of the stockholders for many years; nor has the Company done any act which might show its continued existence.

NEUSE RIVER NAVIGATION COMPANY.

No change has taken place in the condition of this Company, since my report to the Legislature in 1832, except the passage of the act of that session, extending its chartered priviledges ten years longer. That act appears to have produced no effect. The Company has long since ceased to act as a corporation, and there appears to be no disposition to revive its existence.

In my former report, it was stated that the State, and a part of the stockholders, had paid much more on their stock than other private stockholders, a part of whom had paid nothing. How to compel the delinquent subscribers to pay their deficiencies, so as to make the loss fall in an equal and fair proportion, is a question of much uncertainty. Some of these defaulting stockholders are very able to satisfy any judgment which might be obtained against them, while others are utterly insolvent.

YADKIN RIVER NAVIGATION COMPANY.

The sum raised by this Company, and expended on this important river, exceeds by far the sums expended on any other river in the State, except the Roanoke and Cape Fear; yet no

benefit has resulted from it. From a printed Report of the President and Directors, made on the 10th April, 1825, it appears that the cash, bonds, &c. taken on subscribers for Stock, including $25,000 paid by the State, amounted to $108,047 27½
Amount disbursed and paid out, - - - 83,636 46½

Balance due, but not to be accounted for until collected and received, - - - 24,410 81

Of the amount disbursed, Hiram Jennings and John Hixon received, for expenditures on the canal at Bean Shoals, and on the canal at Sneedsborough, the sum of - - $66,502 30
Expended at Grassy Island and Sneedsborough, under the superintendence of William Johnson, - - - - - - - 3,017 93
Amount paid for purchase of lands for line of canals, for salaries to officers, compensation to agents, for collecting monies, taking bonds, allowance to superintendents, to the president and directors, and sundry contingent charges, - - - - 14,116 23½

$83,636 46½

Messrs. Martin and Thurmond were contractors on the upper part of the river, and had received the sum of - - - - 10,650 22
But their accounts had not been settled.

William Johnson received from subscribers in North Carolina, - - - - $30,371 67
Ditto ditto South Carolina, - - 2,520 00
Ditto ditto Frederick Randle, Treasurer, 710 30
Ditto ditto James Sharp, Agent, - 33 50

$33,635 17
By amount disbursed by him, - - - 26,795 05

Balance in hands of William Johnson, consisting of bonds, judgments, &c. against sub-

subscribers, part insolvent, to be accounted for when collected, - - - -	$6,840 12
Bonds taken from subscribers, in the hands of the administrator of Jesse A. Pearson, nearly all doubtful, - - - - -	1,986 40
Balance which appears to be due from Jesse A. Pearson, - - - - - -	673 66
Ditto ditto from Frederick Randle,	247 00
Ditto ditto from William Chaffin, -	180 00
Ditto ditto to be in the hands of Alexander Nesbitt, consisting of bonds, &c. insolvent in part, to be accounted for when collected, - - - - - - -	2,263 89
	$12,191 07
To which add amount advanced to Martin and Thurmond, - - - - - - -	10,650 22
	$22,841 29
Balance stated to be due, - - - - -	24,410 81¼
Amount in hands not stated, - - -	$1.569 52

The foregoing Statements are taken from the printed Report above mentioned. I cannot learn that the Company has had any meeting since that period, or taken any further steps to go on with the work.

The death of the last President, and the death or removal from the State of several other officers of the Company, and very many of the stockholders, renders it difficult to ascertain the terms on which it would be willing to surrender its charter, and perhaps impossible to ascertain the present condition of the funds of the Company.

After the year 1836, all perference given to the corporation, will cease as to all streams not made navigable, as by the charter required. As the Company has not yet made, and in all probability will not, within the time, render any stream navigable, the whole preference given to it will be forfeited.

If a rail-road should be constructed from Fayetteville to the narrows of the Yadkin, the navigation of the river above that

place, may become a matter of importance to the community. In that event the claims of the Company, if it can be considered to exist as a corporation, may become a source of great embarrassment, and occasion much perplexing litigation and delay. To prevent this, it would seem proper to take the necessary steps to compel it to accomplish the purposes for which it was chartered, or to abandon its claims to the river and the works which they have commenced on it. Common justice would seem to require, that the Stockholders should receive whatever any work constructed by them may be worth in completing the navigation, and they surely have no right to claim any thing more.

I attended the general meeting of the Stockholders in the Cape Fear Navigation Company last summer, and gave the vote of the State in favour of appropriating the tolls to the improvement of the river between Fayetteville and Wilmington, but this was partly over-ruled by the private Stockholders.

The accounts between this Company and the Board, for expenditures on the river, has not yet been adjusted, and there seems but little probability of an agreement on the subject.

JAMES WYCHE,
Superintendent of Public Works.

Dr. ***The Board for Internal Improvement.*** **Cr.**

1833. *Dec.* 1*st*—To balance as per last return,		932 19	By amount paid to James Wyche, Superintendent of Public Works, 47 days, at $3,		141 00
1834. *Dec.* 10*th*.—To amount received for bonds for Cherokee lands in the year ending 31st October, 1834, as per Public Treasurer's Report to the General Assembly,		1,733 23	By ditto, expenses allowed by the Board,		64 28
To amount received of Bank of Cape Fear, for dividends of profits on 1358 shares of stock, declared in June, 1834, as per Public Treasurer's Roport to General Assembly,		4,074 00	By compensation to William R. Hill, Secretary of the Board, 7 days, at $3,		21 00
			By balance,		6,513 14
		$6,739 42			$6,739 42

Dr. ***James Wyche, Sperintendent of Public Works.*** **Cr.**

1834. *June* 2.—To Governor's warrant, 200 00
Dec'r.—To do. do. 5 28
$205 28

1834. *March* 18 *to April* 13.
By travelling expenses in examining Club-foot and Harlow's Creek Canal, and Plymouth Turnpike Road, - 40 50
Twenty-six days, at 3 dollars, - - 78 00
May 26 *to June* 4.
By travelling expenses to Raleigh and Fayetteville, to attend meeting of the Board, and meeting of the Cape Fear Navigation Company, - - 10 25
Nine days, at 3 dollars, - - - 27 00
July.—Three days investigating accounts of Cape Fear Navigation Company, 9 00
October 22 *to October* 26.
Expenses to Raleigh, to meet the Board, and examine the Books of the Tar and Neuse River Navigation Company, 5 44
Four days, at 3 dollars, - - 12 00
November 12 *to November* 17.
Expenses to Raleigh, to meet the Board and prepare accounts, - - - 6 25
Five days, at 3 dollars, - - - 15 00
Paid for carrying Trunk from Raleigh in Jan'y, and back to Raleigh in Oct'r, 00 75
Paid for postage on letters, - - 1 09
$205 28

RECAPITULATION:

47 days, at $3, - - - $141 00
Expenses allowed by the Board for Internal Improvement, 64 28
$205 28

(A.)

REPORT

Of the Agent of the Cape Fear Navigation Company, to the Board for Internal Improvements.

A general statement of the accounts of the company is herewith submitted. For an explanation of the Stock account, the account of expenditures, and of dividends, I refer to the Annual Report of 1832.

There was expended on the river below Fayetteville, during the past year, ending 30th May, the sum of $1538 02; principally in removing logs and obstructions from the channel of the river; and the high freshets during the past summer, have made it necessary to continue a considerable expenditure for that object.

The jettee erected last year at Spring Hill, under the recommendation of A. G. Keen, Esq., did not answer any valuable purpose; and it was found necessary to open a passage through it. That shoal has since been much improved, by raising on the old jettee, at the lower cross, about two feet, and putting in a new one on the lower end of the sand shoal;—the channel is now deeper than it has been for many years; and it is hoped that the improvement will be permanent.

The tolls which accrued the year ending 30th May, amounted to the sum of $5090 95. The following is a list of the articles transported on the river, on which tolls were collected, viz:

DOWN—13,195 Bales of Cotton,
2,489 Barrels Flour,
118 Barrels Spirits,
138 Hhds. Tobacco,
147 Bushels Grain,
1,858 Casks Flax Seed, (7 bush.)
$498 36, Freight on articles not enumerated—tolls at 10 per cent.

UP—80,399 Bushels Salt,
2,284 Hhds. and Pipes Merchandize,
3,495 Barrels do
373 Tierces do
349 Tons Iron,
1,351 Casks Lime,
$15,736 74 Freight on articles not enumerated—tolls at 10 per cent.

By request of the late Governor, (Gen. Stokes,) the company had the old dredging machine (or engine) taken to pieces, removed up to Wilmington, cleaned and stored away; for which they paid $147 25; and it was stored at the rate of $10 per annum: a bill has been presented against the company for one year's storage, which they paid. The company expect the State board to refund the amount—they have paid $157 26—it may be done in the settlement of the State's dividends: And it is respectfully suggested that measures should be taken to dispose of the engine and machinery.

I believe there has been nothing done on the river above Fayetteville, since the last annual report.

Respectfully submitted,

GEO. McNEILL, Agent,
C. F. Nav. Co.

Fayetteville, Nov. 14, 1834.

DR. *A general Statement of the Accounts of the Cape Fear Navigation Company.* CR.

To Capital Stock:			
State of North Carolina, 650 shares,			
Individuals, 1,194¼			
1,844¼ shares,		$92,212 50	
To Profit and Loss, (including reduction on stock,)		72,075 64	
To town of Haywood,		9,688 95	
To Dividend Fund,		3,093 68	
To Dividends unclaimed:			
No. 1,	$525 75		
2,	426 90		
3,	201 73		
4,	160 00		
5,	139 50		
6,	122 76		
7,	123 25		
8,	149 00		
9,	279 25		
10,	1144 39		
		3,272 53	
To tolls on river,		5,090 95	
To interest account,		543 61	
To sundry individuals,		23 75	
			$186,001 61

By Canal at and near Fayetteville,			59,231 69
By Canal and Works near Buckhorn,			44,028 25
By Cape Fear River, (below,)	$31,570 77		
By do. expended under direction of the Board of Internal Improvements,	12,143 13		
			43,713 90
By Cape Fear River, above Fayetteville, under direction of the Board of Internal Improvements,	10,585 09		
By ditto, expended by James Mebane,	750 02		
			11,335 21
By James Mebane, in his hands, to expend on river above,			146 53
By State of North Carolina, balance of subscription 1823,			1,375 53
By real estate,			9,813 41
By contingent expenses,			420 24
By bonds, notes and judgments,			7,780 06
By county order,			287 26
By salary account,			500 00
By sundry individuals, upon account,			5,748 93
By cash on hand,			1,621 00
			$186,001 61

GEORGE M'NEILL, *Treasurer.*

Fayetteville, May 30th, 1834.

(B.)

WELDON, 15th Nov. 1834.

To the President and Directors
of the Board for Internal Improvements.

GENTLEMEN:

I have the honor herewith of transmitting to you the Annual Report of the President and directors of the Roanoke Navigation Company, with accompanying documents, intended to have been submitted to a general meeting of said stockholders on the 3d instant. The State of North Carolina being without representation, a majority of the stock owned in the company was not represented; so that no general meeting was held as contemplated. A dividend not exceeding 1½ per cent. will probably be declared by the board of directors next week, who are authorized to act upon failure to hold the annual general meeting.

Very respectfully,

A. JOYNER, Treas'r
Roanoke Nav. Comp'y.

REPORT

Of the President and Directors of the Roanoke Navigation Co.

The undersigned, Directors of the Roanoke Navigation Company, in the absence of a quorum of their body, offer the following REPORT to the stockholders in general meeting assembled:

Since the last annual meeting of the stockholders, the line of lockage at this place, connecting the water in the basin with the river below, has been completed, and boats have passed through them; but we regret to be obliged to state, that owing to the frequent freshets which occurred during the past spring and summer, and the sliding or caving of the banks consequent thereon, some slight injury has been done to the lower lock, and will require some repairs. The work however, will occasion but a trifling expenditure of labor or money, and the injury will not in the mean time interrupt the passage of boats.

In the month of January last, the repairs of the canal and locks at Danville, were entered upon, and completed in July. We think we hazard nothing in saying, that our works at that very important point on the Dan, are now in excellent order, and will continue for many years to come, without further expense to the company, to afford all the facilities contemplated in their erection. From this point, the company's hands under the direction of Philip G. Williams, descended the Dan river, removing in their passage all the obstructions which presented themselves, and improving country line creek, so as to afford an excellent landing to the commerce of Milton, and a safe and easy navigation to the mill of Mr. Thomas McGehee, about a half mile from its mouth.

Thence they proceeded to improve the shoals on the Roanoke, between Clarksville and Eagle Point, which was effected in the most permanent and satisfactory manner. Thence the superintendent returned to Banister river, where the navigation was found to be entirely obstructed, the current having been diverted from the original channel, by two canals cut by Thos. G. Coleman and John C. Armstead, deceased, and the canals filled by large and almost unmanageble timbers. All these impediments were however removed, though with much labor; and the river is now believed to be in a condition to afford safe and convenient navigation. We feel that we shall not be disappointed in our expectation of a handsome contribution of produce, from the fertile lands lying on this stream. The Staunton river, next claimed the attention of the superintendent. Commencing at its junction with the Dan, he proceeded upward, repairing the old and forming new sluices, when they were thought to be necessary, to the mouth of Senaca creek.

We take pleasure in stating, that during the past fiscal year, there has been a material improvement in the commerce on our river, and in the amount of tolls collected; and that since our arrival at this place, we have received such information as removes all doubt, as to the speedy erection of the contemplated bridge across Roanoke river, and the termination of the Portsmouth Rail Road at the Company's basin. Hopes are now entertained, that the lapse of another year will afford us all the advantages of a direct and rapid communication with Norfolk, one of the finest shipping ports in the word.

For information touching the finances of the company, we beg leave to refer this meeting to the reports of the Treasurer and Toll collector—which are herewith submitted.

GEO. D. BASKERVILL,
THOS. McGEHEE,
THOS. EASLEY,
SAMUEL PANNILL.

State of the Roanoke Nav. Company on the 3d Nov. 1834.

Capital Stock subscribed by individuals,	282,000 00	
Ditto do by State of Va.	80,000 00	
Ditto do by State of N. C.	50,000 00	
		412,000 00
Aggregate of requisitions made on stockholders,		412,000 00
Amount paid by stockholders,	397,289 28	
Amount due from stockholders,	14,710 72	
		412,000 00
Amount expended by the company for all purposes,		410,958 65
Debts due by the company, (estimated,)		950 00
Cash in hands of the Treasurer,	4,704 53	
30 shares of stock in Farmers' Bank of Virginia, worth	3,240 00	
Debts due to the company, other than for stock,	1,021 00	
38 Negroes, estimated at	13,000 00	
Other property,	500 00	
		22,464 53
Nett amount of tolls collected from 1st Nov. 1833, to 1st Nov. 1834,		4,301 65
Amount paid stockholders on account of 1st and 2d dividends, since 11th Nov. 1833,		4,607 25
Amount due to stockholders on account 1st and 2d dividends,		3,455 15

A. JOYNER, Treas'r
Roanoke Nav. Co.

WELDON, Nov. 3, 1834.

REPORT,

By A. Joyner, Treasurer, to the President and Directors of the Roanoke Navigation Company.

The balance remaining in the hands of the Treasurer at the last settlement, on the day of November, 1833, was - - - -		$5,114 11⅕
Since which period, the following sums have been received, viz:		
Nett proceeds of 25 shares of stock in the Farmers' Bank of Virginia, - - - -		2,794 50
Dividend declared 15th January 1834, on 30 shares of stock in Farmers Bank of Virginia, 3 per cent.		90 00
Dividend declared 15 July 1834, on do. 3 per cent.		90 00
Of John H. Crockett & Co. on account of tolls collected at Wilkins' Ferry, last year, - - -		497 46
Stephen Burrows, for 124 lbs. Pork, - -		6 20
For costs of suit expended in the suit, the Roanoke Navigation Company, *vs.* Wm. Green's executor,		14 00
On account of Henry and William Boyd's bond,		400 00
Refunded by Samuel Pannill, - - -		2 00
Tolls collected, 1st November 1833, to 1st November 1834, - - $4,528 04		
Deduct T. T. Wiatt's commissions for collecting tolls, - - - 226 39		
	4,301 65	
	13,309 92½	
Since which period, the following disbursements and payments have been made, viz:		
Outstanding debts at last general meeting, and expenses incurred since, 4,001 44		
Refunded to George Tucker, for over-payment made by him on his stock account, 7 70		
Paid stockholders on account 1st and 2d dividends, - - 4,607 25		
	8,606 39	
Balance in hands of the Treasurer,		$4,703 53½

A. JOYNER, *Treas'r.*

Weldon, Nov. 3, 1834.

ACCOUNT

OF

Produce, Goods, Wares and Merchandise, transported on the Roanoke Canal, from the 1st Nov. 1833, to 1st Nov. 1834.

3,945	hogsheads tobacco	20	casks cheese
6,993	barrels flour	33	boxes tallow candles
239,373	lbs. manufac'd tobacco	3	boxes sperm candles
60,184	lbs. dry goods	4	tons castings
169,667	lbs. orther articles	16	barrels tar
28,973	lbs. coffee	462	bales cotton
31,280	lbs. nails	71½	feet mill stones
5,051	sacks salt	360	casks lime
826	gallons wine	8¾	tons bar iron
6,099	galls. domestic spirits	20	tons gypsum
468	galls. foreign do.	14	barrels beef and pork
6,191	galls. molasses	3,085	bushels corn
1,921	bushels wheat	240	lbs. beeswax
2,147	gun stocks	5,683	lbs. raw hides
694	lbs. copper	3,928	white sugar
195	bushels flax seed	339	lbs. ginger, pepper, &c.
542	gallons oil	2,490	lbs. grind stones
83	hogsheads sugar	1,683	lbs. bacon
26	bbls. do.	328	feathers
113	hhds. tobacco stems	500	lbs. lard
196	gallons vinegar	8,000	cypress shingles
315	barrels fish	2	boats without cargoes

(C.)

BEAUFORT, CARTERET Co. 4th DEC. 1834.

To the President and Directors
of the Board for Internal Improvements.

GENTLEMEN:

The Stockholders of the Clubfoot and Harlow's Creek Canal Company, failed to elect a President and Directors at the time fixed for the last annual election. There is, therefore, now no person whose duty it is to make the report required by the act of 1829. But that the public good may not suffer, we have thought it advisable to supply the deficiency, and put the Board in possession of the little information in our power to give relative to the affairs of the company.

The amount of capital stock, the amount of stock subscribed by the State of N. Carolina, the aggregate of the requisitions made on the stockholders, the amount of their subscription paid by individual stockholders, the amount paid by the State of N. Carolina, the amount due from individuals on said subscription, and the amount due from the State, the amount due from insolvent subscribers and stockholders, the amount expended in works by the directors of the company, and the amount of debts due by the company, remain the same as stated in the last report. There is nothing due the company otherwise than on account of stock. No cash remaining on hand, and no dividends have been declared.

The sum of $210 51 has been received for tolls, which has been applied to paying the keeper and incidental expenses.

The condition of the Canal is worse than at the last report, and if some 3 or $4000 are not expended in repairs, it will soon be unfit for use, and become a dead loss.

With distinct respect,
We are your ob't. servants,
ELIJAH CANADAY, *Pres't.*
J. C. MANSON,
JAS. E. GIBBLE,
E. WHITEHURST,
A. CANADAY.

(D.)

Asheville, N. C. November 8th, 1834.

To the Public Treasurer of the State of North Carolina.

SIR: I herewith respectfully submit the following brief Statement, shewing the progress and condition of the Buncombe Turnpike Company, to the 6th of October last, as follows:

Tolls collected and paid into the Treasury, from the the 8th of October, 1833, to the 9th Oct. 1834,	$4,892	76
Within the same time, find for a balance on original Statement, - - - - - - - - -	41	43
Which, together with the amount in the Treasury on the 8th of October, 1833, of - - -	807	37
Make an aggregate of - - - - -	$5,741	57

Which has been disbursed in the following manner, to wit:

Payment of dividend, declared 2d January, 1834, of 8 per cent. is - - - - -	$2,400	00
In payment of allowances made the Directory and other officers of the company, hand hire, and all incidental expenses, together with an appropriation for rebuilding the toll-house which burnt down in January last, the sum of - - - - -	1,841	57
Dividend of 5 per cent. declared in October last, -	1,500	00

You will perceive that our dividends, made within the last year, amount to 13 per cent. a smart advance in the State's revenue from this source; and I think there is but little doubt but that it will become still better, as our road is becoming more permanent, and of course will require less expense in keeping it in repair; besides, there is some reason to believe that the travelling over it will increase.

Very respectfully, your obedient servant,

SAMUEL CHUNN,

Director for the State in the Buncombe Turnpike Company.

[No. 10.]

Legislature of North Carolina—1834.

REPORT

OF THE

COMMITTEE OF FINANCE,

IN RELATION TO

THE BALANCE OF THE STATE'S SUBSCRIPTION

TO THE

BANK OF THE STATE.

***December 19th*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

REPORT.

The Committee of Finance, to whom was referred the following Resolution, to wit: "*Resolved*, That the Committee on Finance take into consideration the expediency of authorising the Public Treasurer to issue Stock, bearing an interest not exceeding five per centum per annum, and dispose of the same at the best possible price, in or out of the State, provided it can be effected at par, to such amount as may be necessary to pay the balance of the subscription of the State to the Bank of the State, or the expediency of relinquishing the right to take the amount of Stock in the Bank of the State which is unpaid for;" having, according to order, had the same under consideration,

REPORT:

The power to regulate the currency in any State or community, is one of the highest prerogatives of sovereignty; and the exercise of it involves considerations deeply interesting to all concerned.

By the Constitution of the United States, the power of coining money and regulating the value of all coin, either foreign or domestic, is delegated exclusively to the Congress of the United States.

It is obvious, that the framers of the Constitution, and the people who adopted it, intended that the value of coin should form the standard by which the currency of the country should be tested and regulated.

In all commercial countries, it has been found necessary and expedient to introduce, as a component part of the circulating medium, a certain portion of negotiable paper, the value of which depends on its being the legitimate representative of, and convertable into coin, at the pleasure of the holder.

Without derogating from the absolute authority of the Congress of the United States, to regulate the currency, by fixing an

uniform standard of value to the coins in use; the several States have, by granting Bank Charters, authorised the issuing and circulation of notes, which, purporting to represent coin, enter into and form a part of the general currency, and are estimated according to their ascertained convertibility into coin.

In the provisions of the act of the General Assembly, incorporating the Bank of the State of North-Carolina, it is believed that such limitations, restrictions, and penalties, are prescribed as will insure the prompt convertibility of the notes issued by it into coin, at the option of the holders of them, and their final redemption, in like manner, on the expiration of the charter.

It is the duty of the General Assembly, not only to provide, as far as may be in their power, a sound currency, but to afford to the people of the State, in their agricultural and commercial pursuits, such facilities of employing money as those pursuits reasonably require.

The capital assigned to the Bank of the State of North Carolina, is one million and five hundred thousand dollars—of which two fifths, or six hundred thousand dollars, were reserved to the State; the other three-fifths, or nine hundred thousand dollars, were open for individuals and other subscribers: The latter have been taken; and the instalments have been paid with great punctuality; while of the former, but one thousand five hundred shares, equal to one hundred and fifty thousand dollars, have been taken and paid for in behalf of the State. The want of means wherewith to pay the instalments required by the act, prevented the Public Treasurer from taking and paying for a larger amount.

The committee are here met by the questions growing out of the Resolution referred to them: "Is it expedient to obtain, on the credit of the State, the means requisite for paying the instalments on all the shares reserved to the State in the Bank of the State of North-Carolina; and if it be expedient, on what terms can adequate means for that purpose be procured?"

It has already been remarked, that it is the duty of the General Assembly to provide facilities for encouraging and fostering the agricultural and commercial interests of the State; and it would not be deemed unreasonable to expect the performance of

his duty, even at some expense of public treasure, if the sum of benefit to the public, justifies such expenditure.

It is believed by the committee, that full payment on the balance of the shares reserved to the State, would enable the Bank to establish other branches and agencies in sections of the State not already supplied with capital, and to give additional facilities to the lawful pursuits of our citizens.

As a measure of *Finance*, it recommends itself to the favor of the General Assembly, by the consideration that the Bank is now organized, and in successful operation, and can employ the additional capital, which will be supplied by the payment to be made by the State, to the increased accommodation of the public, and profit of the State, and other stockholders, without inducing but little, if any, additional expense, by means of such increased capital.

The committee herewith submit a Statement of the condition of the Bank, made up to the twenty-ninth day of November last. The principal bank commenced its operations on the tenth day of September; and the branches, at Newbern and Tarborough, on the fifth day of November. It will be seen, from the operations of the Bank, during that short period, that they give assurances of a fair, reasonable, and adequate profit to the owners of the State; and that an average profit of at least seven per cent. on the capital, may be safely relied on.

At whatever rate of interest, *less* than the dividends of profits on the capital of the Bank, funds required to entitle the State to the shares of stock reserved and unpaid for, can be had,—will be so much clear gain, or *profit* to the State.

It is believed, that the creation of a stock, bearing five per cent. interest, payable semi-annually, and not redeemable until after the expiration of the charter of the Bank, will afford sufficient inducement to capitalists to invest money in it. Other States have experienced no difficulty in procuring loans, at the like rate of interest, on their plighted faith to provide for the punctual payment of the interest at fixed and regular periods, at places convenient to their creditors—and for the final payment and redemption of the principal of such loans or debt. Besides the *general* guarantee which it is proposed to give, on the part of

the State, for the payment of the interest and principal of the debt contemplated to be contracted for her benefit, a *specific* pledge of all the stock now owned, or which may hereafter be owned, by the State, in the capital of the Bank of the State, will constitute the most unquestionable security for the faithful and entire discharge of that debt.

The postponement of the redemption of the principal of the debt, until the expiration of the charter of the Bank, while it will serve to enhance the value of the debt, and render it more desirable to capitalists, will enable the State to reimburse it out of the dividends of the capital stock of the Bank, without the imposition of any burthen, however slight, on the people; or any appropriation, however small, from the Public Treasury.

The committee have arrived at the conclusion, that it is expedient, both for the extension of banking facilities to the people, and the improvement of the finances of the State, that provision should be made, by law, for the full payment of the shares in the Bank reserved to the State; and that it is practicable to effect that object in the mode proposed in this Report. They have embodied their views on this important subject, in a Bill accompanying this Report, entitled "A Bill to provide for the payment of the instalments on the shares reserved to the State, in the capital stock of the State of North-Carolina;" and most respectfully recommend, that the same be passed into a law.

On the other branch of the inquiry, with which the committee is charged, by the Resolution referred to them, they beg leave to remark, that it is perfectly certain, that the ordinary sources of revenue will not enable the State to pay for the shares of stock reserved to it in the charter referred to, at any time previous to the first day of January, one thousand eight hundred and thirty-seven, when the privilege of the State, in that regard, will determine by the express limitation of the act.

The committee believe, that the plan submitted by them in this Report, and the accompanying Bill, *is that alone* by which the State can avail herself of the important privilege reserved to her by the charter of the Bank; and that, if it be expedient to adopt that plan, at *any* time, it is proper and right to adopt it at *this* time.

But should the views presented by the committee, not be sustained by the General Assembly, they would respectfully recommend, that the privilege reserved to the State of taking the whole number of shares set apart for her, under the act establishing the Bank aforesaid, be forthwith relinquished by law—to the end, that that portion of the capital of the Bank, which is now merely *nominal*, may be taken by individual citizens of the State; and thereby become *real* and effective.

All which is submitted.

An Exhibit, showing the Situation of the Bank of the State of North Carolina, 29th Nov'r, 1834.

Specie,			$117.375 16	Capital Stock,		$755,938 69
Bills of Exchange,			185,400 59	Notes in circulation,		
Notes of other Banks,			133,272	Viz: Issued at Newbern,	$44,905 00	
Due from other Banks,—				Do Tarborough,	42,115 00	
Viz. Bank U States, Phila.	128,726			Do Raleigh,	292,880 00	
Do. New York,	211,980 09					379,900 00
Do. Fayetteville,	32,998 76			Due to other Banks,		
Do. Norfolk,	3,564 31			Viz: State Bank of N. Carolina,	$184,242 31	
Do. Washington,	1,721 50			Bank of Cape Fear, Wilmington,	120 00	
Bank of Va. Petersburg,	64,060 79			Bank of Newbern, Raleigh,	12,318 33	
Farmers Bank of Va. do.	9,833 93					196,680 64
Bank of C. Fear, Fayetteville,	37,437 68			Due for Deposites,		118,601 46
			490,323 06	General Profit and Loss, nett gain,		7,328 50
Due for Bills and Notes discounted,				Bills and Checks in *transitu*,		4,175 20
Viz. By Stockholders,	22,800					
" Directors,	1,421					
" Individuals,	496,699 79					
			520,920 79			
Real Estate,			15,332 89			
			1,462,624 49			$1,462,624 49

C. DEWEY, *Cashier.*

A BILL

To provide for the payment of the Instalments on the Shares reserved to the State in the Capital Stock of the Bank chartered by the Act passed at the last Session of the Legislature, entitled, "An Act to establish the Bank of the State of North Carolina."

WHEREAS, by the act aforesaid, six thousand shares of the stock of the Bank thereby created, (being two-fifths of the capital thereof,) were reserved to the State; and whereas the Public Treasurer has not the means of paying the regular instalments on the whole number of shares so reserved; and it being advantageous to the State, that the instalments on said shares should be paid, so that the same may be rendered available to the Public Treasury, as a source of revenue:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Public Treasurer of this State, and he is hereby required, to make and execute in proper form, and in his official capacity, certificates, binding the State for the payment of the money, purporting to be due thereon, to the amount of ——— dollars, and no more.

II. *Be it further enacted,* That the said certificates shall be issued for the sum of ——— dollars, each, and shall bear interest at the rate of five per centum per annum, payable semi-annually, on the first days of February and August, in each and every year, at the Bank of the State of North Carolina, in Raleigh, or at such other Bank or Banks as the Agent of the State, hereinafter mentioned, may designate for making payment of the same.

III. *Be it further enacted,* That all certificates of debt due by the State, issued under and by the authority of this act, shall be signed by the Public Treasurer in his official capacity, as herein before mentioned, and shall be countersigned by the Comptroller of this State, and duly registered by him at large in a book prepared and kept for that purpose.

IV. *Be it further enacted,* That the said certificates shall be transferrable by the holders of the same, or by his, her, or

their attorney, in a book to be kept by the Public Treasurer for that purpose; and on every such transfer, the outstanding certificate shall be surrendered to and cancelled by the Public Treasurer, and a new certificate shall be issued for the same amount to the person entitled to the same.

V. *Be it further enacted*, That the debt hereby created, shall not be redeemable until after the first day of January, A. D. 1860; and after that day, the same shall and may be redeemed at such time or times, and in such portion or portions as may hereafter be declared and appointed by law.

VI. *Be it further enacted*, That for the payment of the interest semi-annually, at the rate of five per centum per annum, on the principal debt hereby authorised to be created, on the credit of, and for the benefit of the State, until the same shall be fully paid to the holders of the certificates therefor, and for the full and entire payment and redemption of such principal debt, and every part thereof, all the shares which the State now holds, or may hereafter hold, in the capital stock of said Bank, and the dividends which may accrue thereon, be, and they are hereby pledged, and the General Assembly doth hereby guarantee the payment of the full amount of the debt authorised by this act to be contracted, and of the punctual payment, semi-annually, of the interest thereon, at the rate aforesaid, until the whole of the said debt shall be fully paid, satisfied and redeemed.

VII. *Beit further enacted*, That the Governor shall appoint a fit and competent agent in behalf of the State, to negotiate the sale of the debt hereby authorised to be contracted, who shall have power and authority to sell the same, or any part thereof, at not less than its par value, and shall pay over to the Public Treasurer the full proceeds of such sale or sales.

VIII. *Be it further enacted*, That it shall be the duty of the Public Treasurer, and he is hereby required, to pay out of the money which he may receive from the agent aforesaid, the full instalments on such and so many of the said six thousand shares of the capital stock of the Bank aforesaid as remain unpaid for by and in behalf of the State, in like manner and on the same terms as are prescribed for payments to be made

by individual or other subscribers for shares of stock in said Bank.

IX. *Be it further enacted*, That the Governor be, and he is hereby authorised to make to the agent aforesaid such allowance, for his services and expenses, as he may deem reasonable and adequate, and to defray all other expenses incident to the execution of this act; all which shall be paid by the Public Treasurer, on the warrant of the Governor.

X. *Be it further enacted*, That this act shall be in full force and effect from and after the ratification thereof.

[No. 11.]

Legislature of North Carolina—1834.

REPORT

OF THE

TREASURER OF THE BOARD OF TRUSTEES

OF THE

University of North Carolina.

December 20th, 1834.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

Executive Department,
December 20th, 1834.

To the General Assembly
of the State of North Carolina.

GENTLEMEN:

I communicate, herewith, the annexed Report of the Treasurer of the Board of Trustees of the University of this State; which has been submitted to a Committee, the disbursements found to be sustained by regular vouchers, and the accuracy of all the items in the account regularly sustained.

The demise of Col. Polk and Dr. William Martin, and the removal from the State of the Rev. Mr. Witherspoon and Gen. Thomas Love, have created four vacancies in the Board of Trustees, which the charter of the corporation requires to be supplied by the General Assembly.

DAVID L. SWAIN.

REPORT.

RALEIGH, 21st Nov. 1834.

To the President and Board of Trustees
of the University of North Carolina:

GENTLEMEN:

I have the honor to inform you that the receipts at the Treasury of the University, within the past year, embracing a period from the 20th November, 1833, to the 20th November, 1834, amounted to six thousand nine hundred and fifty six dollars and ten cents, - - - - $6,956 10

Which sum being added to three thousand one hundred and fifty six dollars and ninety five cents, 3,156 95

The balance in the Treasury unexpended on the last annual settlement, viz. on the 20th November, 1833, forms an aggregate of ten thousand one hundred and thirteen dollars and five cents, 10,113 05

That the disbursements within the same period, amount to seven thousand and seventy seven dollars and sixty nine cents, - - - 7,077 69

Leaving a balance in the Treasury, at the close of the past year, viz. on the 20th November, 1834, of three thousand and thirty five dollars and thirty six cents, - - - 3,035 36

Which balance is deposited, and stands to the credit of the Treasurer of the University, in the Bank of the State of North Carolina at Raleigh.

The receipts at the Treasury aforesaid, consist of the following items:

1. Remittances made at sundry times by Sam'l Dickens, Esq. of Tennessee, on account of sales made by him of the lands of the Trustees, in the Western District of Tennessee, $6,425 00

2. Cash received of Dr. James Webb, of Hillsboro', for land sold by him for the Trustees, in Orange county, - - - - - -		250 00
3. Cash received of the Clerk of the Supreme Court of North Carolina, being the amount of a decree in favor of the Trustees, in the case Mary S. Clarke and others *vs.* Spencer D. Cotten and others, - - - - -		281 10
		6,956 10
4. Old balance as aforesaid, - - -		3,156 95
Aggregate, - -		$10,113 05

The disbursements, as aforesaid, at the Treasury, have been incurred in paying off in full the whole of the Bank debt of the Board; the salaries of the Faculty and other officers of the institution; and sundry other charges on the Treasury, of an ordinary and contingent character. All of which said several items of receipts and disbursements, and how and when the same were received and disbursed, are more fully and distinctly exhibited in the annual account current and vouchers accompanying and forming a part of this report.

From statements furnished by the superintendent or receiver of College fees at Chapel Hill, it appears that the sum received from the students for tuition and room-rent, for the two sessions of 1834, amounts to $3,188; which sum has been collected and disbursed by said superintendent among the Faculty of the College, in part payment of their salaries.

I have the honor to lay before the Board a file of papers and letters, received during the last year, relating to the institution under your care: And am, Gentlemen, with the highest considerations, Your ob'dt serv't.

CHAS. MANLY, Treas'r
University N. C.

[No. 12.]

Legislature of North Carolina—1834.

SPECIMEN

OF THE

REVISION OF THE PUBLIC STATUTES,

AS

REPORTED BY THE COMMISSIONERS

APPOINTED BY

His Excellency the Governor

FOR THAT PURPOSE.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

SPECIMEN.

An Act concerning Entries and Grants of Land.

Section 1. What lands shall be subject to entry.
2, 3. In what cases marsh and swamp lands shall be subject to entry.
4. Of the appointment of entry takers and county surveyor.
5. In what cases the clerk of the court shall act as entry taker.
6. Of the qualifications and bonds of entry takers and county surveyors.
7. County surveyors may appoint deputies—their qualification—the principal liable for them.
8. Who may enter lands subject to entry.
9. The price at which land may be entered.
10. When land entered shall be paid for.
11. What shall be the consequence of a failure to pay the purchase money within the limited time.
12 In cases of lapsed entry, the same person shall not re-enter the same within twelve months.
13. Of the manner in which entries shall be made and warrants issued to county surveyors.
14. Of the manner in which surveys shall be made, and the duties of the county surveyors and Secretary of State relative thereto.
15. Of the duty of the county surveyor respecting the order of the surveys, and of the effect of grants obtained upon subsequent entries erroneously made.
16. What remedy may be had, where the warrant of survey shall be lost.
17. How entry takers are to proceed in making entries for their own use, in their own counties.
18. How county surveyors must proceed where they desire to enter lands in their own counties.
19. Entry takers to make return of all entries to the Secretary of State within a certain time.
20. Secretary of State to furnish the Attorney General with a list of Entry Takers failing to make returns. Judgments to be taken against such defaulters.
21. Public Treasurer to receive the purchase money for entries of vacant and unappropriated land.
22. What shall warrant the Secretary of State to issue grants.
23. How grants shall be authenticated—required to be registered.
24. In case of the death of the enterer, to whom the grant shall be made.
25. What remedy may be had, where the seal to a grant has been lost or destroyed.
26. Certain defective grants, made to surveyors and deputy surveyors, declared valid.
27. Certain grants, defective by the surveys, having been signed by the deputy surveyors only, declared valid with certain exceptions.
28. To remedy the defect of grants made upon entries of lands lying in two or more counties.
29. How to correct mistakes, made by the surveyors and other officers, in perfecting titles to land upon entries.
30. The Supreme Court to have original cognizance of suits on the part of the State to vacate and repeal letters patent fraudulently obtained.
31. Said Court has power to rescind such letters when ascertained, to have been obtained by fraud.
32. Any such case now pending in any Superior Court, may be removed to the Supreme Court.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, 1809, c. 774 s. 1.
That all vacant and unappropriated lands belonging to the State, shall be subject to entry in the manner herein provided, except in

1817, c. 950, s. 1. the cases hereinafter mentioned. It shall not be lawful for any entry taker to receive an entry for any lands lying to the eastward of the line run by Meigs and Freeman, in the year one thousand eight hundred and two, as the then boundary line between this State and the Cherokee nation; or of any lands now covered by the waters of any of the lakes of this State; or of any lands now covered by the waters of a lake, that shall be gained therefrom by the recession, draining or diminution of such waters; and every entry made, and every grant issued, contrary to the intent and meaning of this enactment, shall be void.

1827, c. 6, s. 1, 2, 3.

1826, c. 6. 2. It shall not be lawful for any entry taker in the several counties of this State, to receive any entry of vacant and unappropriated marsh and swamp lands in this State, except in cases where the quantity of lands does not exceed fifty acres in one body, and that situate between the lines of tracts heretofore granted, except in the case hereinafter provided.

1830, c. 12. 3. It shall be lawful for entry takers to receive entries of marsh or swamp land, when the quantity of land in any one marsh or swamp does not exceed two thousand acres: *Provided, however*, That this act shall not be construed to extend to any swamp or marsh lands which have been surveyed by engineers in the employment of the State, with a view to the draining and reclaiming the same; and every entry or grant made for marsh or swamp lands, contrary to the intent and meaning of these enactments, shall be void.

1831, c. 6, s. 2. 4. The justices of the peace in every county in this State east of the line of Meigs and Freeman, at the next court which shall be held after each respective vacancy, may, when they deem it necessary, elect one good and sufficient person to receive entries of claims for lands within such county respectively; and also shall elect one person properly qualified to be surveyor of lands within the same; at which election, whosoever shall appear to have the majority of votes of the justices then present, shall be deemed duly elected, and no other; and every person so duly elected for either of the offices aforesaid, shall hold the said offices respectively during the term of four years.

1777, R. C. 114, s. 2.

1822, c. 19.

1832, c. 6, s. 3. 5 Where a vacancy now exists, or shall hereafter happen, in the office of entry taker in any county, the clerk of the court of

Pleas and Quarter Sessions of the said county shall be bound to act as entry taker until such vacancy be filled by a regular appointment; to take charge of the books belonging to the office, to discharge all the duties and receive the emoluments, and shall be subject to the rules, restrictions and penalties prescribed by law for entry takers regularly appointed.

6. Every entry taker and surveyor, before entering upon the execution of his office, shall take and subscribe in open court, the oath prescribed for the qualification of officers, and also an oath that he will well and impartially discharge the several duties of his respective office; and the surveyor shall enter into bond with sufficient security, to be approved by the County Court, in the sum of four thousand dollars, payable to the State of North Carolina, for the faithful discharge of his duties; and every entry taker shall also give bond, in the sum of two thousand dollars, payable to the State of North Carolina, that he will well and truly discharge the duties of his office. 1777, c. 114, s. 13

7. It shall and may be lawful for each and every surveyor in this State, in his respective county, to appoint a deputy or deputies, who shall, previous to entering on the execution of his or their office, be qualified in a similar manner with the surveyor; and the surveyor making such appointment shall be liable and accountable for the conduct of such deputy or deputies, in the same manner as for his own conduct in office. 1777, c. 140, s. 5.

8. It shall and may be lawful for any person who is, or shall hereafter become a citizen of this State, according to the constitution thereof, to make with the entry taker of any county within this State, a claim for any lands subject to entry lying in such county; every such citizen performing every thing by this act required to be previously done. 1777, c. 114, s. 3.

9. Five cents on the acre shall be paid to the Treasurer for every acre of land which may be entered in this State: *Provided*, that no person shall enter more than one hundred acres within any one year at the price of five cents per acre. If any person shall enter more than one hundred acres of land in the same survey, or in any one year, he shall pay into the Treasury the sum of ten cents on the acre, for each and every acre which he may enter. 1833, c. 11, s. 1, 2

1808, c. 759. 10. All entries of land made in the course of any one year, shall, in every event, be paid for on or before the thirty first day of December which shall happen in the second year thereafter; and all entries of land not paid for agreeably to this provision, the same shall become null and void, revert to the State, and may be entered by any other person as unappropriated lands.

1809, c. 771, 11. Whenever any entry of land shall hereafter be made in any entry taker's office in this State, and the enterer shall fail to pay the purchase money for the same, within the time limited by law, it shall and may be lawful for any person, who may have made a subsequent entry for the said land, to pay the purchase money into the Treasury, and have a grant perfected in the same manner as the original enterer would have done, had he not failed to pay the same.

12. That no lands now entered on the books of the entry takers of this State, or which shall hereafter be entered, and the entries of which shall be suffered to lapse, by the non-payment of the price thereof, shall be re-entered within twelve months after the time at which such entry shall lapse, by the person or persons in whose name or names such entries were made, but such re-entries shall be utterly null and void.

1777, c. 114, s. 5. 13. The claimant of any land shall produce to the entry taker a writing signed by such claimant, setting forth where the land shall be situated, the nearest water course, mountains and remarkable places, and such water courses and remarkable places as may be therein; the natural boundaries, and lines of any other person or persons, if any, which divide it from other lands; and every such writing shall be on one quarter sheet of paper at least, and shall be endorsed by the entry taker with the name of the claimant, and number of acres claimed, and date of entry; and a copy thereof shall be entered in a book well bound and ruled, with a large margin, and into spaces of equal distances, every space to contain one entry only, and every entry to be made in the order of time in which it shall be received, and numbered in the margin; and the entry taker shall deliver to the party a copy of the entry with its proper number, and a warrant to the surveyor to survey the same; which warrant shall contain a copy of the entry, with its number and date, and shall be de-

1783, chap. 185, sec. 11.

livered to the surveyor, in the order of time in which the entry was made.

14. Every county surveyor, upon receiving the copy of the entry and order of survey for any claim of lands, shall, as soon as may be, lay off and survey the same, agreeably to this act, and make thereof two fair plats, the scale whereof shall be mentioned on such plats; and shall set down the beginning, angles, distances, marks and water courses, and other remarkable places, crossed or touched by or near to the lines of such lands, and also the quantity of acres; and shall transmit the plats to the Secretary's office, or deliver them to the claimant within twelve months, together with the warrant or order of survey; one of which with the warrant shall be filed by the Secretary, and the other annexed to the grant. And no surveys shall be made without chain carriers, who shall actually measure the land surveyed, and shall be paid by the party for whom the survey shall be made; and such chain carriers shall be sworn to measure justly and truly, and to deliver a true account thereof to the surveyor, which oath every surveyor is hereby empowered and required to administer. 1777, chap. 114, sec. 10.

15. The surveyors shall survey all entries of land according to the priority of such entry, paying due respect to the number of each warrant; and every grant hereafter to be obtained by any subsequent entry or entries, otherwise than is by this enactment directed, shall be, and the same is hereby declared void and of no effect: *Provided nevertheless*, that nothing herein contained shall be construed to prevent any person making a subsequent entry on any land, from surveying and obtaining a grant, as the law directs, for all such surplus land as shall remain after the enterer or enterers of such land hath surveyed his, her or their entry or entries as aforesaid. 1787, c. 279, s. 1.

16. Where any person has made, or shall hereafter make an entry of lands as required by law, which entry shall not have become void by lapse of time, and upon which the entry taker has issued or shall issue his warrant of survey, and the same be lost by accident, it shall be lawful for the entry taker, on due proof being made to his satisfaction by affidavit of the claimant or the surveyor or deputy surveyor, to issue a duplicate warrant of survey, of the same tenor and date, taking care to set forth in 1814, chap. 87.

the face of said warrant that the same is a duplicate; in which case such warrant shall be as valid and binding as the original.

1777, chap. 114, sec. 17.

17. If any entry taker shall be desirous to make any entry of lands in his own name, such entry shall be made in its proper place before a justice of the peace of the county, not being a surveyor or assistant, which entry the justice shall return to the county court at their next sitting, and the county court shall insert such entry; and every entry made by or for such entry taker in any other manner, than is herein directed, shall be illegal and void, and any other person may enter, survey and obtain a grant for the same land.

1828, c. 23, s. 1.

18. When a county surveyor shall wish to have lands surveyed in the county, where he acts as principal surveyor, for the purpose of obtaining a grant to the use of himself from the State for the same, the county court of said county shall appoint some person to make the survey, and the entry taker of lands shall direct the warrant of survey to the person by name, authorised by this act to survey; and all surveys, certificates and plats, of the same, done in pursuance of this act, shall be made under the same regulations as prescribe the duty of the county surveyor in similar cases; and no other survey than is hereby authorised, shall be necessary to enable county surveyors to obtain a grant of land from the State.

1796, c. 455. 1821, c. 30. 1833, c. 15, s. 2.

19. It shall be part of the official duty of every entry taker, to make return to the Secretary annually, on the first day of December, of all lands entered with them, under a penalty of one hundred dollars.

1833, c. 15, s. 1.

20. It shall be the duty of the Secretary of State, and he is hereby required, to furnish the Attorney General at every Spring term of the Superior Court of Wake county, with a certificate of failure in every case, where any entry taker shall fail to make return agreeably to law, and it shall be the duty of the Attorney General, to move for judgment against such entry taker and his securities; and it shall be lawful for the court in every such case, to cause judgment to be entered accordingly.

1827, c. 23. 1829, c. 30.

21. It shall be the duty of the Public Treasurer to receive the purchase money for vacant and unappropriated lands, upon the presentation to him of the certificate of the Secretary of State,

setting forth the number and date of the entry, and quantity of acres found by the surveyor to be vacant, as the same may appear to exist, by the returns made to him from the surveyor or entry taker, or from the entry taker's warrants, or the plats of survey.

22. No grant shall issue on the Treasurer's receipt for the purchase money, countersigned by the Comptroller; but it shall be the duty of the Comptroller to make out and deliver to the Secretary, a certificate conformable to each receipt by him countersigned, on which the Secretary is required to issue the grant. 1799, chap. 525, s. 4.

23. The Secretary shall, on application of the claimant, make out all grants for all surveys returned to his office, which grants shall be authenticated by the Governor, countersigned by the Secretary, and recorded in his office. The date of the entry shall be inserted in every grant, and no grant shall issue upon any survey, unless the same be signed by the surveyor of the county; and every person obtaining a grant for lands, shall within twelve months after such grant shall be perfect as aforesaid, cause the same to be registered in the register's office of the county where the land shall lie. 1783, chap. 185, sec. 14, 17. 1796, chap. 455, sec. 1.

24. In case of the death of any person, who heretofore has made, or shall hereafter make an entry of lands pending the same or before making out the grant, the Secretary shall issue the grant in the name of the decedent, and those interested, either as heirs at law, devisees, tenants in dower or by the curtesy, shall have the same estate as if the land had been granted during the life of the decedent. 1715, c. 4, s. 6. 1798, chap. 493, sec. 6.

25. In all cases where the seal annexed to a grant issued by the State, is or shall be lost or destroyed, the Governor for the time being may, on the certificate of the Secretary of State, that such a grant was fairly obtained, cause the seal of the State to be affixed to such grant, and the same so affixed, shall give the said grant the same validity as the seal first affixed thereto. 1807, c. 727.

26. Grants of land heretofore made by the State to surveyors and deputy surveyors, upon surveys, plats and certificates of the same, made by them for themselves respectively, without other illegality, and without fraud, and without partiality, the certificates in all cases being signed by the principal surveyor, are 1828, c. 23, s. 2.

hereby confirmed and declared to be good and valid; any law to the contrary notwithstanding.

1828, c. 46. 27. All grants issued by the Secretary of State previous to the year one thousand eight hundred and twenty, on surveys made fairly and without fraud, and signed by deputy surveyors only, shall be, and the same are hereby validated and declared good and effectual, to pass all the right of the State in and to said lands, in as full and ample a manner, as if such returns had been made by the surveyors of the resepective counties: *Provided, nevertheless*, that nothing herein contained shall affect any entries made, or grants obtained on legal returns for such lands previous to the passage of this act; any law, usage or custom to the contrary notwithstanding.

1805, c. 675. 28. Whereas many of the citizens of this State, on making entries of lands near the respective county lines wherein they reside, either for a want of a proper knowledge of the land laws of the State, or not knowing the county lines, have frequently made entries, and extended their surveys on such entries into other counties than those wherein they were made, and obtained grants on the same: And whereas doubts have existed with respect to the validity of the titles to lands situated as aforesaid, so far as they extend in other counties than those where the entries were made: For remedy whereof, *Be it enacted, &c.* That all grants issued on entries made for land situated as aforesaid, where the money has been paid into the Public Treasury, shall be good and valid, against any entries which may be hereafter made, or grants issued thereon; any law, usage or custom to the contrary notwithstanding.

1790, c. 326. 1798, c. 504. 1804, c. 655. 1814, c. 878. 29. That whenever there has been, or hereafter may be, an error by the surveyor in platting or making out the certificate for the Secretary's office, or the Secretary shall mistake in making out the courses agreeably to the said returns, or misname the claimant, or make other mistake, so as such claimant shall be injured thereby, the claimant so injured may prefer a petition to the court of pleas and quarter sessions, or the superior court of the county in which the land lies, setting forth the injury which he, she, or they, might sustain in consequence of such error or mistake, with all and singular the matters and things relative

thereto; and the said court, seven justices being present, if the petition is in the court of pleas and quarter sessions, is hereby authorized to hear testimony respecting the truth of the allegations set forth in the said petition; and if it shall appear to them by said testimony, or from the return of the surveyor, or error of the Secretary, that the patentee of such lands is liable to be injured thereby, such court is hereby required to direct their clerk to certify such facts as appear to their satisfaction to the Secretary of State, who shall file the same in his office, and correct such error in the patent and likewise on the records of his office; for which service he shall receive forty cents for each and every patent so altered, except where the error was committed by the Secretary. The costs of such suits shall be the same as in all other civil suits originating in such courts, and shall be paid by the petitioner, except when any person may have made himself a party to prevent the prayer of the petitioner being granted, in which case the party failing, shall pay the costs as in other suits at law. The benefits granted by these enactments to the patentees of land shall be extended in all cases to persons claiming by, from, or under their grants by descent, devise, or purchase. When any error is ordered to be rectified, and the same has been carried through from the grants into mesne conveyances, the court making such order shall direct that a copy thereof be recorded in the register's books of the county. Provided, that no petition to correct errors, as authorized by these enactments, shall be brought but within three years after the date of the patent alledged to be erroneous; and if any petition be brought after the expiration of three years from such date, it shall be the duty of the court to dismiss the same, and all proceedings had thereon shall be deemed null and of no effect: And provided also, that nothing in these enactments contained, shall affect the rights or interests of any person claiming under a patent issued between the period of the date of the grant alledged to be erroneous, and the time of filing the petition, unless such person shall have had due notice of the filing of such petition by service of a copy thereof, and an opportunity of defending his rights before the court, according to the course of the common law.

1830, c. 2, s. 1. 30. Whenever it shall be deemed necessary, on the part of the State, to institute proceedings to vacate and repeal any grant or other letters patent, for fraud, false suggestion, or other cause, the Supreme Court shall have original cognizance thereof; and such proceedings shall be by bill in equity, or information in the nature of a bill in equity, to be exhibited in the name of the attorney general for the time being on behalf of the State; and the proceedings thereupon shall be according to the course and practice in equity causes in the courts of this State.

1830, c. 2, s. 2. 31. When, upon the hearing of any such cause, it shall be ascertained that such grant or letters patent have been obtained by fraud or false suggestion, or against law in any other respect, the said Supreme Court shall have full power, by its decree, to declare the same repealed, rescinded and annulled, and also to take such order as the court shall deem right and proper for cancelling the enrolment of the same in the office of the Secretary of State.

1830, c. 2, s. 3. 32. When any such bill in equity, or information in nature thereof, shall have been already exhibited in any of the superior courts of equity, and may be now pending therein, the same shall at any time, on motion by either party therein, be by order of the court in which the same is pending, moved into the Supreme Court, and the said Supreme Court shall by such order of removal, acquire and have the same cognizance of the cause as if it had been originally commenced in the said court, according to the provisions of the first section of this act.

33. All acts and clauses of acts coming within the meaning and purview of this act, be and the same are hereby repealed.

[No. 13.]

Legislature of North Carolina—1834.

REPORT

OF THE

JOINT SELECT COMMITTEE

TO WHOM WAS REFERRED THE

REPORT OF THE COMMISSIONERS

APPOINTED TO

REBUILD THE CAPITOL.

***December 23d*, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

REPORT.

THE Joint Select Committee to whom was referred the Report of the Commissioners appointed to rebuild the Capitol,

Report:

That your committee have had under their consideration the whole subject-matter of the building, as well its plan and progress, as the expenditures which have been made upon the work. And this investigation has developed, that the commissioners advertised for contractors until the first of March, 1833; and none having offered who were satisfactory, and as they believed it better not to do the work in that way, they determined in April, 1833, to build the house by hiring workmen. On the second day of that month, the commissioners agreed upon a plan, making the building one hundred and sixty feet long and sixty-four feet wide. The eastern and western projections, or wings, forty feet front, projecting thirty feet. The basement story to be laid with flag-stone. The draft of the plan was laid before the commissioners on the twentieth of May, 1833. On the fourth of June, Mr. Nichols, architect, suggested alterations in the plan of the building, by which its width was increased to sixty-eight instead of sixty-four feet. The centre projections, or wings, to be forty-four instead of forty feet, and to project twenty-four instead of thirty feet; which suggestions and alterations were adopted by the commissioners, with the addition of the projections of eighteen inches at the ends of the building, corresponding with the centre projections. On the fourteenth of August, Mr. I. Town, architect, proposed alterations in the plan; and on the twenty-second of the same month, they were adopted, to wit: To dispense with the rustick work on the north and south ends, and to change the situation of the windows in the sides of the east and west projections, and to add porticos to the same. On the twenty-sixth of November, 1833, the commissioners made their report to the General Assembly, which was referred to a committee, together with their accounts and proceedings; and the said committee reported thereon, and recommended a new appropriation to carry on the work. On the seventh of January, 1834, the commissioners had before them the propositions of Messrs. Town and Drummond to dispense with the arches in the basement story windows, which they adopted, because the arched tops to the windows violated

true architectural taste, and besides required an additional cost, according to estimate, of about seven thousand dollars. Since this last change, no alteration whatever has been made in the plan of the building.

Your committee, to arrive at positive correctness, had the building measured, under the eye of their sub-committee; and that admeasurement proved the correctness of the stated dimensions, in the report of the commissioners to the Legislature, with a small immaterial difference; and also proved, that the dimensions reported by the commissioners, were from inside to inside.

The walls as finished, in height at the south end, measured thirty-nine feet nine inches; and this is the finished height of the whole of the exterior walls, lacking fourteen inches, and excepting a small space on the east side, which is a little lower; and the building is to be carried twenty-four feet higher, according to the contemplated plan, before it receives the roof, including the last course of stone-work, which is called the blocking course.

Your committee have examined all the accounts and vouchers, as well as the manner of the accounts, as kept by the commissioners; whereby a system of accountability was established which insured a faithful expenditure of the public money. This system not only shows its use to the public interest, but it evidences the labour and assiduity of the commissioners in the public service. And as they have acted in this arduous undertaking without pecuniary reward, and from motives of patriotism alone, it is but right that they should receive the approbation of the General Assembly, to which their services have in a high degree entitled them. Your commttee are of opinion, when the building shall be completed, it will compare with any other in the United States for all purposes of legislation; and as a specimen of architectural taste, it will be an ornament to the State.

Your committee recommend a further appropriation of seventy-five thousand dollars to carry on the building, and have reported a Bill for that purpose, which accompanies this Report. And your committee further report, that they think it expedient that the commissioners should so carry on the work of the building, as to have in view, as a primary object, the completion of the two Halls for the next sitting of the General Assembly, postponing all other parts of the building, which may be deferred, to that object.

JNO. D. HAWKINS, *Chairman.*

[No. 14.]

Legislature of North Carolina—1834.

REPORT

OF THE

SELECT COMMITTEE

TO WHOM WAS REFERRED

THE BILL MAKING APPROPRIATION

FOR

REBUILDING THE CAPITOL.

***December* 31, 1834.**

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1834.

ers are considered equal to any in the world in their line, and have been gathered together from very different parts. They receive, too, a price per diem much less than is now paid in the northern cities to similar labourers. The difference in the climate being a considerable inducement now to remain here. But should these hands be now discharged, it may well be questioned, whether a similar collection could ever be drawn together here again; certainly, not at a less expense than one month's pay, which is estimated at about $6,000. And when it is taken into consideration, that a discharge of these hands would impair the public faith, as to all future employment, the loss upon this event may be estimated at $10,000. Your committee also report, that the scaffolding now used, is made of costly materials, nearly all of which must necessarily be rendered unfit for future use, should the work be now suspended. For the scaffolds are held together by ropes, and all the stones are raised by ropes, and the lives of the labourers continually depend upon their being new and strong. It is supposed that these scaffolds, which would be all lost upon a suspension of the work, are now worth $10,000, including the multiplicity of cordage also in use. The walls of the building, it is believed, could not be secured against injury from the weather; and the wood-work already done, would be rendered liable to injury, and perhaps destrudtion; and the temporary houses, erected at great expense, in the Public Square and at the Stone Quarry, to facilitate the work, would go into decay. All these losses combined, ought not to be computed at a less sum than $20,000. This sum, added to the great sum of injury which the public character and the public convenience would sustain, by a suspension of the work, has induced your committee, unhesitatingly, to report—that it is expedient for the work of the Capitol to progress; and that an appropriation of $75,000 be made for that purpose; and they have reported a Bill for that object, which accompanies this Report.

JNO. D. HAWKINS, *Chairman.*

[No. 15.]

Legislature of North Carolina—1835.

REPORT

OF THE

COMMITTEE ON INTERNAL IMPROVEMENT,

TO WHOM WAS REFERRED

A RESOLUTION OF THE HOUSE OF COMMONS

ON THE SUBJECT OF THE

Cape-Fear, Yadkin, and Pedee Rail-Road,

AND THE

FIRST ANNUAL REPORT OF THE COMPANY.

January 1st, 1835.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1835.

REPORT.

The Committee on Internal Improvement to which was referred the following Resolution: "*Resolved*, That the Committee on Internal Improvement be instructed to inquire into the probable cost of the continuance of the Cape-Fear, Yadkin and Pedee Rail-Road, the first fifty miles from Fayetteville, pursuing the projected route of the same westwardly, and that they report the same to this House"—having had the same under consideration,

REPORT:

That the projected route of the road contemplated and commenced by the Cape-Fear, Yadkin and Pee Dee Rail-Road Company, is identified with the survey that was made by Mr. W. F. Rawle, under the authority of the State, in 1832.

The route adopted by the Rail-Road Company, however, differs from that located by Mr. Rawle, by which a very considerable saving will be effected in its construction. His route contemplates nearly a direct course to the point of destination, receiving within its range obstacles opposed to the construction of such a work that scarcely can be found in any other section of the surrounding region. The expense it would require to sustain that line is immense, when it is to be recollected that it contemplated ascending the heights of the Narrows of the Yadkin, commencing at the junction of the river Uwharry with the Yadkin. It is therefore apparent to your committee, that the estimate made by Mr. Rawle is predicated upon a route, of all others that could be suggested, the most expensive, whilst by a route making some small deviations, and yet penetrating the same region or section of country, and as respects distance to approach any given point of destination, not more than six or eight miles is lost in the hundred, a road can be constructed for one-third of the estimate reported by the engineer, Mr. Rawle. The first fifty-four miles of the route adopted by the Rail-Road Company, terminates on the dividing ridge between the waters of the Cape-Fear and Pedee rivers at a place known by the name of Martin's Old Store. The difference of distance between Mr. Rawle's route and that of the Rail-Road Company, is four and a half miles in favor of the latter route; but this difference of distance against the route adopted by the Company, is alleviated by its passing over nearly

thirty miles of level ground, requiring but little if any cuttings or embankments whatever.

The whole route from Fayetteville to the summit level of the Narrows of the Yadkin, is ninety-two and a half miles. Rawle's estimate of the first and second sections, (49 miles), is upon a supposition of its being constructed for motive power. The remaining section, (43½ miles), contemplates a double track 22 feet wide for horse power. The aggregate cost for the whole, is stated to be $777,873 62, which, if reduced to the mile, makes an average of $8,455. Here it should be observed, that the double track for horse power is estimated at the upper end of the line, and over the most difficult and mountainous part of the route, and requiring a track-way for horse power, which has been always found to constitute fully one-half the entire cost of the road; whilst its cost for *motive power* would not exceed $4,000 the mile, over the same route that would cost $8,455, requiring a track-way for horse power.

The route adopted by the Rail-Road Company, leaves Fayetteville at the same point at which the route reported by Mr. Rawle commences, but passes up a different valley of Cross creek to the intersection of a second valley of Lower Little River; and in ascending the one, and descending the other, the variations in the ascent and descent are from five to twenty-two feet per mile.

The distance from Fayetteville to Lower Little River is ten miles. The route then passes up the valley of the river for eight miles; thence diverging to the North, and running parallel with the river, gradually ascending until it encircles the head branches of the Little River, which terminates within four and a half miles of Martin's Old Store, the dividing ridge of the waters of the Cape-Fear and Pedee rivers.

The expenditures for constructing the two miles of road that are finished at Fayetteville, commencing at the water's edge of the river; ascending thence a graduated height of sixty-one feet, within the distance of 565 feet, incurring the expense of *cuttings* sixteen feet deep, and including the cuttings and embankments for the remainder of the two miles, is now ascertained, by actual experiment, not to exceed $4,800—an average per mile of $2,400.

Here the case would seem to present to your committee this proposition:

In what proportion will the labour it has required to accom-

plish the two miles of road in Fayetteville, bear to the probable labour it will require to accomplish the remainder of the route to Martin's Old Store, a distance of 58 miles, pursuing the line contemplated by the Rail-Road Company? Its solution depends upon the accuracy of the following facts—they being the result of what the two miles has cost:

That the average excavations of the two miles being assumed as the average excavations the mile of the whole distance, say 2,700 cubic yards per mile, at 6¼ cents,	$168 75
Embankments, the average of the two miles, say 2,700 cubic yards per mile, at 6¼ cents,	168 75
Levelling track-way to lay sills, &c. say one mile, or 5,300 lineal feet, at 4 cents,	252 00
Carpenters' work, preparing sills and rails,	90 00
5,400 lineal feet of railing cost, delivered in town, say $9 per 1000 feet board measure,	360 00
1,080 sills 7½ feet long, 8 by 7, say cost, delivered in town,	330 00
2,200 wedges cost	45 00
Culverts, bridges, &c.	250 00
Contingencies, &c. 20 per cent on the above,	320 90
Cost per mile, exclusive of iron,	$1,985 40

All which is respectfully submitted.

JAMES SEAWELL, *Chairman.*

January 1, 1835.

The Committee on Internal Improvement, to which was referred the Annual Report of the "Cape-Fear, Yadkin and Pedee Rail-Road Company," beg leave to

REPORT:

That your committee hath had the same under examination, and entertain a hope that the projected undertaking of constructing a rail-road from Fayetteville to the Western region of the State, which said Company hath commenced, will result in effecting a commercial inter-communication between the agricultural interest of the West, and commercial sea-ports of the East; and therefore recommend the passage of the Bill accompanying this Report.

All which is respectfully submitted.

JAMES SEAWELL, *Chairman.*

A BILL

To authorize the Governor of this State to subscribe for and on behalf of the same, one thousand shares of the Capital Stock of the "Cape Fear, Yadkin and Pedee Rail Road Company," and to pay for said stock, in manner hereinafter directed.

Be it enacted by the General Assembly of the State of North Corolina, and it is hereby enacted by the authority of the same, That the Governor of this State for the time being, shall, and he is hereby authorized and empowered within sixty days from the passing of this act, to take and subscribe for, and on behalf of the State of North Carolina, one thousand shares of the capital stock of the "Cape Fear, Yadkin and Pedee Rail Road Company;" which stock, so taken and subscribed, shall be paid for in the scrip of the State, as is hereinafter prescribed.

II. *Be it further enacted*, That the Governor as aforesaid shall cause to be made in scrips the whole amount thereof, not to exceed *fifty thousand dollars*, and in such size bills as may be preferred, not under one hundred dollars, the same to be made redeemable and payable on the *first* day of January, in the year one thousand eight hundred and sixty five, (1865), and, bearing an interest of five per centum per annum, payable semi-annually in the town of Fayetteville, on the first days of January and December; and which scrip shall express on its face that it is the evidence of a debt due by the State of North Carolina.

III. *Be it further enacted*, That said scrips shall be drawn payable to the Comptroller of the State, and transferable by his endorsement; and that the Treasurer of this State shall sign such scrip or scrips, and the Comptroller as aforesaid shall countersign or endorse the same; and the scrips so made and executed, the Governor as aforesaid shall pay over to the president and directors of said corporation, and receive from said directory the certificates or evidence of one thousand shares of the stock in said company: *Provided, however*, That the directory of said corporation, shall engage to pay the interest that shall accrue on said scrips as is declared and required by this act, and shall also engage to redeem the principal of the same, when it shall become due and payable; and *Provided further*, That said directory or corporation shall guarantee the payment of both interest and principal of said debt, by a pledge of the whole of the stock subscribed for in said company, as well also as the whole of the real and personal property owned by said corporation; which pledge shall be *conditioned*, that, if said company shall fail to pay, *in good faith*, the interest and principal of said debt, as shall be

stipulated in said pledge, the property and stock so pledged, shall be made liable and sold for the payment of the interest and the redemption (as the case may be) of said debt: and *Provided, moreover*, That the dividends that shall accrue on the shares of stock owned by the State in said company, shall be retained by the company, and by it so managed as shall constitute a sinking fund for the final redemption or extinguishment of the principal and interest of the aforesaid fifty thousand dollars; any law to the contrary notwithstanding.

THE ANNUAL REPORT

Of the President and Directors of Cape-Fear, Yadkin and Pedee Rail-Road Company, to the General Assembly of North-Carolina.

To the Honorable the General Assembly
of the State of North-Carolina.

GENTLEMEN:

The President and Directors of the Cape-Fear, Yadkin and Pedee Rail-Road Company, herewith respectfully submit their Report to the General Assembly—made in conformity to the sixth section of the Act of Incorporation, entitled "An Act to incorporate the Cape-Fear, Yadkin and Pedee Rail-Road Company."

It is a matter of regret with the Directory, that the limited amount of funds with which the Road was commenced, should have rendered it necessary to confine the operations of the work to so narrow a compass. The inability of the Company to raise an adequate fund for the accomplishment of the undertaking to any considerable extent being apparent, it was deemed advisable to adopt the plan as represented in the Report of the Directory to the Stockholders, at their general meeting, held on the third of last month; which Report, and the accompanying documents, is submitted to the consideration of the General Assembly.

JAMES SEAWELL,
President, &c.

November 25th, 1834.

THE FIRST ANNUAL REPORT

Of the President and Directors, to the Stockholders of the Cape Fear, Yadkin and Pedee Rail Road Company.

The President and Directors of the Cape Fear, Yadkin and Pedee Rail Road Company, have the satisfaction to present to the Stockholders their First Annual Report.

In presenting this document the Directory deem it proper briefly to refer to the provisions of the charter, under which the Directory was organized.

By the Act of Incorporation, is created a College of Electors, with authority to exercise in general meeting the power of giving existence to the Company; in conformity to which, and agreeably to the 13th section of the Act, a meeting of the College was holden in Fayetteville, on the 17th day of February, 1834; at which, a majority of the Electors being present, the following persons were appointed Directors, namely: Robert McNamara, of Rowan, Samuel F. Patterson, of Wilkes, Hugh Campbell, Williamson Whitehead, Thomas N. Cameron, Edward W. Willkings, and James Seawell, of Fayetteville. The appointment thus conferred, vests in the Directors, all the powers granted by the Act to the Company, constituting a Body Corporate, and with authority to exercise, "either by themselves or their agents, all the powers granted to the Company for the purpose of locating, constructing and completing said Road, and all such other powers and authority necessary for the effectual prosecution of the undertaking;" and in compliance with the foregoing, a Board of Directors was organized by the appointment of James Seawell, President, Thomas N. Cameron, Clerk, and Williamson Whitehead, Treasurer. In the latter appointment, the Directory had anticipated the services of an efficient officer, but of which they were deprived by a dispensation of Providence, and the Company of one of its most zealous and patriotic members. The vacancy in the Treasury, occasioned by the death of Mr. Whitehead, has been subsequently filled by the appointment of Mr. Edw'd W. Willkings, and that of Director by the appointment of Mr. Lewis Brown.

The Directors, in taking upon themselves the management of the affairs of the Company, are not less sensible of the confidence reposed in them, than in assuming the responsibility of their ability to perform a task, which, it was apparent, was in-

volved in numerous and perplexing difficulties, many of which, from the nature of things, rendered it impossible that they could be made to yield to the control of their most zealous efforts.

Knowing the existing apathy which pervades the public mind in relation to matters of internal improvement, the main object of the Directory has been, to present a practical illustration of the use or utility of a Rail Road transportation as a mean of inter-communication in connection with the *cost* and mode of construction adapted to the local situation of the State, in which particulars, they are not without a hope of having succeeded.

The pecuniary resources of the company being but limited, the work in its character novel, it could not be expected that it should have progressed with that rapidity and extent it otherwise could with more ample means; nor can it reasonably be expected that a work of the kind, without the aid of experienced operators, should in its workmanship be entirely exempted from defects. The execution of the work, nevertheless, is performed in a substantial manner. If in establishing the advantages of this description of transportation, is shown by the estimates of its cost to the people composing the communities through which the road is to run, their ability to construct the work, the attainment should be regarded as one of infinite importance to the general welfare, since all will admit that such is the local situation of the state with regard to her internal commerce, that if ever she is made to occupy *that* stand in the union which the extent of her territory and fertile interior, and her population justly intitle her to, and the individual wealth of her citizens is to be advanced in a comparative degree with her natural resources, its consummation can only be effected by a system of Rail Roads. The magnitude of this inquiry, therefore, becomes increased by the deep interest which the great community of the whole state has in the adoption of a system of inter-communication of this description.

The Road was commenced on the 13th of May last, with a view to its ultimate extension to the Western counties of the State; but with an understanding that the operations of the Company the present year should be confined to the completion of the *first two miles*, commencing at the river at Fayetteville. That by the completion of that portion of it, a practical illus-

tration of the cost of such works would be produced, in aid of the general estimate of the projected route to the West. The main stem of the contemplated portion set apart, has been accomplished, say one mile and a half, and a fair experiment made of its practical use, and fitness for the purposes of transportation. The remaining half mile, as contemplated, will be accomplished in a few weeks.

It is to be regretted that the work in some degree has been permitted to languish, and from a cause that had not been anticipated by the Directory; it was confidently believed, that, inasmuch as the object of accomplishing the two miles was intended as a sample of the plan, and of ascertaining the cost, with a view to ulterior objects in the further prosecution of the undertaking, that the required instalments upon the Stock would have been promptly paid. Such, however, has not been the case; but this, nevertheless, may be viewed as the result of inattention by the Stockholders, rather than a disposition not to pay; but the effect produced by the delay is the same in the one case as in the other; the operations of the work in consequence have been retarded. Here the Directory, with great deference, would remark, that in the prosecution of a work of this kind, it is a consideration of the utmost importance to its success, that its engagements should be promptly complied with, and its operations prosecuted with an untiring hand, otherwise the loss of public confidence in its success becomes inevitable, and in that event public patronage is also withdrawn, and when public patronage is withheld, nothing but the *force* of redundancy of capital can accomplish such works.

The introduction of the use of concave car-wheels and convex rails, without the use of iron plates, has produced doubts in the minds of many, of the success of the plan, whilst too it has given rise to much speculative opinion among the scientific. But the solution of the question does not rest upon the uncertain testimony of theoretical opinion, nor is the result to be changed by the distrust of the uninformed. The facts here adduced, are the result of occular demonstration.

The objections which this plan would seem to present are, First, that the friction of the wheels of the Car on a curved or oval rail, will be such as to require an unattainable increased force of propelling power to overcome the increased restriction produced by the friction of the car wheels.

Secondly, That the repeated action of the Car wheels upon a wooden Rail will create a splintered surface upon the face of the Rail, a result which it may produce if the Rail is taken from a twisting tree, the grain of which in that case ranges in a cross direction with the wheel. The defect, however, can at all times and with no additional expense be avoided, especially where timber is so abundant and covenient, and withal so admirably adapted for the purpose as it is in North Carolina.

The truth of the fact, that a straight grained rail will not splinter, is fully exemplified by the use of the car upon the road now in question, and that the action of the car-wheels upon such as are straight grained, has the effect, by compressing the pores of the wood together, to create a hard glossy surface.

It is not contended, however, but that the model here referred to, can be greatly improved; it is apparent that an improvement of infinite advantage can be made on the one adopted; by a slight alteration in the construction of the rail, and cast of the concavity of the wheel, and which doubtless will be adopted by the Company in the future progress of the work. And should the use of iron plates be deemed essential, as a protection against casual injury, or to prevent the rail from splintering, it is contended that the oval rail will be found to be preferable to one with a flat surface. A small plate of iron of one to one and one-fourth inches wide, and one fourth of an inch thick, weighing one pound to the foot, fastened upon the top of the oval rail, answers all the purposes which a two-inch bar, seven-eighths of an inch thick, weighing five pounds to the foot, will upon a rail with a flat surface. The difference in the cost is too apparent to require calculation. The saving in favor of the oval model is at least $1200 the mile in the cost of construction; nor is this all, the wear and tear of the Engine of the motive power, and of the car-wheels, if run upon a flat surface on iron bars, is estimated to be from $600 to $1000 the mile annually, an annual expense of wear and tear alone of two-thirds the prime cost of the iron plates, a saving in the annual expense in favor of the oval rails of *one-fifth* of the cost of a road averaging $5000 the mile.

The iron plates in neither case can be considered as a preservative of the rails against rot; but on the contrary, has a tendency to hasten its decay immediately under the plate of iron. But the oval, even in that case, possesses an advantage over the

flat rail; the latter being on its surface flat, retains water, whilst the former, being round on the top, will not. In addition to all this, the oval rail can be preserved for years by the application of a compound of tar, trail oil and black lead, or any other cheap cement.

The Directory has not had an opportunity of ascertaining the difference in the draught upon a rail-way with an iron bar and flat surface, and that of the oval rail without iron. It is sufficient, however, to know, that on the rail-way from Campbellton, a horse can draw with ease from six to eight tons, a distance of one mile and one-fourth, the road graduated the whole distance to 17 feet elevation, and the greatest ascent one foot in sixty.

The Treasurer's Report and his exhibits of the funds and property of the Company, herewith presented, show the expenditures from the 13th of May last, to the 31st of October inclusive, to be $4,101 72, of which $362 10 were paid in the purchase of Cars and other personal property for the use of the Road; which amount taken from the aggregate amount of expenditures, leaves a balance of $3,739 62, the gross cost of one mile and a half of the road, making the average cost of a mile to be $2,493 08, including an item of $425, paid the Superintendent, &c., and including also 400 feet of bridging.

It may be conceived, however, that the amount paid for the labor exceeds a rateable proportion of the several items constituting the aggregate cost of the work, taking into view the favorable location of the road,—a result, under the existing circumstances of the case, that was unavoidable, the conditions upon which the stock was subscribed being, that one-half the amount subscribed might be paid for in labour, and the hands furnished by the stockholders under that privilege were principally 'warehouse' hands, unaccustomed to steady labor. Another reason, too, is, the road being located in the street, it consequently required greater particularity in graduating the road to avoid injury to the street. It will not be denied, therefore, but that the same length of road might be constructed in the country over similar ground for several hundred dollars less than what it has cost to construct it through the town of Fayetteville.

Considerable labour and expense will necessarily be required in erecting fixtures, and in constructing the rail-ways from the summit level of the river bank at the landing to low water mark;

a work that is indispensable for the delivery and reception of cargoes to and from the boats to the rail-road cars. A survey of the place has been accurately made by Mr. Robert H. Brazier, the Engineer, and a draft of the same herewith submitted, to which is added an estimate of the probable cost of the work.

The speedy accomplishment of this latter job is of the utmost importance to the company in a pecuniary point of view, in which, too, public convenience and the general interest of the trade of the country is identified. The work, therefore, should be prosecuted with a vigilant and untiring hand

Regarding the beneficial results to be produced to the public in general, or to the individual stockholder upon his investment, after the experiment that has been made, it would be irrational to distrust either. It matters not in what point of view the subject is considered, whether in its local character operating within the limited sphere of Fayetteville, or in its extended character as an enterprise of State magnitude and general utility, dispensing by its expansion, facilities to new sources of wealth to every branch of industry—opening to the western interior of the State new avenues of commerce, and promoting the social and moral intercourse between distant communities, the advantages of the enterprise still presents to the mind of the patriot considerations that will ever inspire within his bosom a laudable desire to become instrumental in its attainment.

The Company having in the first instance determined to construct but two miles of the road the present season, no effort has been made to increase the capital stock, exceeding what was deemed necessary only for that object, and which, by the sample adduced, it is confidently believed full and satisfactorily demonstrates the feasibility of the undertaking, the prosecution of which being a subject submitted to the consideration of the stockholders.

JAMES SEAWELL, *President.*

The following is an extract from the Treasurer's Report, showing the cost of constructing one and a half miles of the road, exclusive of purchases of real and personal estate.

To amount labour account, graduating road one and one-half miles, say, excavations, embankments, masonry and bridging,		$1,190 71
Materials, viz.—Lumber, Bricks, Lime, Nails, &c.		1,509 58
Contingent expenses—House hire, tools, and fixtures of cars,	281 79	
Salary to Superintendent, Overseer, &c.	425 36	
		707 07
Provision account for hands, &c.		332 26
Cost of one and a half mile including bridge,		$3,739 62

Being at the rate of $2,493 08 per mile.

Exhibit, shewing the State of the Cape Fear, Yadkin and Pedee Rail Road Company.

To capital stock, 154 shares,	$7,700 00
Bills of exchange for car wheels,	172 00
Messrs. Winslows, for real estate,	100 00
Sundry individuals, for materials,	774 59
	$8,746 59
To balance of cash in hand,	$495 81

By labor account; excavations, embankments, masonry and bridging,	1,190 71
Provision account; subsistence of hands,	332 26
Materials; lumber, bricks, lime, &c.	1,509 58
Contingent expenses; tools, fixtures, &c.	281 71
Salary account; engineer, superintendent, &c.	425 36
Personal property; cars, horse, &c.	362 10
Real estate; lots, wharf and warehouse,	600 00
Stockholders deferred payment,	3,515 81
Individuals due the Company,	33 25
Cash in hand,	495 81
	$8,746 59

Fayetteville, Nov. 3, 1834.

The above Exhibit is from the Books of the Cashier, and is a true and correct account of the Receipts and Expenditures, according to my best knowledge and belief, to November 3, 1834.

EDWARD W. WILKINGS,
Treasurer C. F., Y. & P. R. R. Company

Sworn and subscribed before me,
W. WINSLOW, *J. P.*

[No. 16.]

Legislature of North Carolina—1835.

REPORT

OF THE

COMMITTEE ON EDUCATION.

The Committee on Education, to which were referred several Resolutions pertaining to the resources of the Literary Fund, and the best means of improving the same, have considered all of said Resolutions, and

REPORT:

That their attention was first directed to the amount of the fund for common schools from all sources, as provided by the act of the General Assembly of 1825. That act creates a corporation under the name and style of the "President and Directors of the Literary Fund; to which is transferred, as a fund "for the support of common and convenient schools," the *dividends* arising from stock held by the State, in the Banks of Newbern and Cape-Fear, which had not been before set apart for internal improvement: The *dividends* arising from stock of the State, in the Cape-Fear, the Roanoke, the Club-Foot and Harlow's Creek Canal Navigation Companies: The tax derived from retailers of spirituous liquors and auctioneers: The unexpended balance of the agricultural fund: All monies arising from entries of vacant lands, (excepting the Cherokee lands): The sum of twenty one thousand and ninety dollars due from the Federal Government, on account of reservations of lands, purchased by this State from the Cherokee Indians: And of all the vacant and unappropriated swamp lands in this State: Together with such sums of money as the Legislature may thereafter appropriate.

From these various sources, divers sums of money have been received, which the President and Directors of the Literary Fund, under the direction of the aforesaid act of 1825, have invested chiefly in the purchase of stocks in the Banks of this

State; and from the statements furnished in the last Annual Report of the Public Treasurer, the available funds of the corporation appear to be as follows, to wit:

1200 shares of stock in Bank of the State of North-Carolina, - - - -		$120,000 00
Cash, - - - -		19,403 99½
50 shares stock in Bank of Cape-Fear,		5,000 00
141 do. do. Bank of Newbern, $14,100		
On which there have been dividends of		
25 and 0 per centum, -	6,345	
Loss, say 20 per cent. on each share,	2,820	
	9,165	
		4,935 00
282 shares stock in State Bank N. C.	28,200	
on which dividends of 50, and		
20, and 10 per cent. have been		
received, equal to	22,560	
		5,640 00
		$154,078 99½

The total amount, therefore, at the close of the last fiscal year, 1st November, 1834, was the sum of one hundred and fifty-four thousand and seventy-eight dollars ninety-nine and one half cents.

In addition to the Bank stock mentioned above, as belonging to the President and Directors of the Literary Fund, they are entitled to the annual dividends of profits on seven hundred and four shares in the Bank of Cape-Fear, and on three hundred and fifty-nine shares in the Bank of Newbern. The latter, however, have ceased to yield any profits, and may be omitted in any future estimates. During the last year, nothing has been paid to this fund from the stocks of any of the Navigation Companies included in the act of 1825. Its increase in the next year, may be reasonably estimated as follows, to wit:

For entries of vacant lands,	$5,000
Tavern and auction tax,	2,800
Bank dividends of profits,	10,000
Navigation Companies,	500
Total,	18,300

The receipts from entries of vacant lands may be expected to diminish; but it is believed, that under the able management of the President and Directors, the active capital of this corporation may enlarge at the rates of from $15,000 to $20,000 per annum.

2dly. Your committee concur in the opinion of the President and Directors, as expressed in their report of the last year, that the vacant swamp lands are conveyed to them by the act of 1825, in fee simple. As, however, they are only a quasi, and not a real corporation, having no individual rights as corporators, it is competent for the Legislature to repeal the act creating them, or any part of it. This has been partially done by the acts of 1826 and 1830, allowing entries of these swamp lands to be made in particular situations. But all not thus subject to entry, are the undoubted property of the corporation; and even those which may be entered, do not ceaae to be so, until an actual entry. It is possible that some portions of this extensive territory, embracing, according to estimate, one million and a half of acres, belonging to the fund for common schools, might be as appropriately disposed of, by throwing it open to entry, as by any other method. Being unable, however, from present information, to designate such parts, they deem it more proper to authorize the President and Directors to dispose of such portions as can be ascertained to be arable, by sale; and they report the accompanying Bill for that purpose.

Your committee have no means of certifying what portion of these lands are claimed by secret titles of private individuals. This can only be partially ascertained by surveys and examinations of the Registers' books of the counties in which they are situate. Nor do they deem it advisable at present to make an appropriation to drain any portion of them, as they deem it highly important to be first informed, not only as to the costs of draining, and the quantity of land to be reclaimed thereby, but whether the wealth of individuals, or that of the fund for common schools, would be most promoted by the particular works to be undertaken. By the passage of the Bill herewith reported, it is believed that a large addition may be made to monies of this fund: which, in the space of nine years, have increased to such an amount, as by simple interest on its present principal, to afford

salaries adequate to the support of at least one competent teacher in every county.

All which is respectfully submitted:

WILL: A. GRAHAM, *Chairman.*

January 3d, 1835.

☞ Since the completion of their report, the committee have learned that the cash on hand amounts now to $24,000; which has been invested in 240 additional shares of stock in the Bank of the State of North-Carolina. The whole fund is, therefore, $178,078 99½.

A BILL

To authorize the President and Directors of the Literary Fund to sell certain portions of the Swamp Lands.

Be it enacted by the General Assembly of the State of North Corolina, and it is hereby enacted by the authority of the same, That the Governor of this State, as President of the Literary Fund, shall have full power and authority to appoint agents in any of the counties in which the swamp lands of the Literary Fund are situated, to contract for, and sell such parts of the said land, as the Board may think it expedient, to bring it into market; and that said agents may conduct such sales either by public auction, or private contract, according to the directions of said President: *Provided always*, That no sale shall be valid until ratified by the said President; nor shall any title pass until a deed shall be executed by him, under the great seal of the State.

II. *And be it further enacted by the authority aforesaid*, That the said President and Directors of the Literary Fund, shall and may allow such commissions on the amount of sales, or such other compensation to the agents aforesaid, for their services, to be paid out of said fund, as they may deem a fair equivalent.

[No. 17.]

Legislature of North Carolina—1835.

REPORT

OF

THE COMMITTEE OF FINANCE.

January 6th, 1835.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

1835.

REPORT.

The Committee of Finance respectfully Report:

That Samuel F. Patterson, the Treasurer elect, having executed the bonds required by law, took the prescribed oaths on the first day of January, 1835, and commenced the duties of his office. He received from William S. Mhoon, late Public Treasurer, all the books, papers, and other effects of the office, together with a transfer of the public monies, as follows, to wit:

Deposit in the State Bank at Raleigh,		$40,467 93
Do.	Bank of Newbern, do.	28 129 68
Do.	Bank of Cape-Fear, at Fayetteville,	13,108 81
	Money in Treasury Office,	89 90
		$81,796 32
Receipts of Members of the General Assembly for advancements made by Wm. S. Mhoon,		5.285 00
		$87,081 32

The bonds for the purchase of Cherokee lands, amounting, as appears from the books of the Treasury Office, to the sum of thirty thousand three hundred and fifty-nine dollars and ninety-four cents of principal, have also been delivered, and a list of them deposited in the Comptroller's Office.

The following Statement exhibits the transactions of the Treasury Office, from the 31st October to the 31st December, 1834, when William S. Mhoon, late Public Treasurer, went out of office.

Amount in Treasury on 1st November, 1834,		$68,433 41
Received for dividend of 10 per cent. of capital on stock held by the State in the Bank of Newbern,	18,180	
Received for additional returns of sheriff,	7 52	
		18,187 52
		86,620 93

Disbursed in the months of Nov. and December:			
On account of the Judiciary,		$3.955 00	
Do. Contingencies,		1,224 09	
Do. General Assembly,		1,172 20	
Do. Rebuilding State House,		19,000 00	
Do. Bogue Banks,		10 50	
Do. Sheriff for settling Taxes,		17 30	
Do. Library Fund,		15 15	
Treasury Notes burnt,			
November 1834,	$4,954 46		
Do. 31st December,	183 76		
		5,138 22	
Advanced to Members of General Assembly by Wm S. Mhoon, and their receipts handed over to Samuel F. Patterson,		5,285 00	
			$35,817 46
Am't cash in Treasury on 1st Jan. 1835,			$50,803 47
Amount of Literary Fund in Treasury, 1st November, 1834.		19,403 99½	
Received for entries of vacant land since that day,		3,066 33	
Do. for tax on sales at auction,		86 03	
Do. tavern tax,		3 76	
Do. dividend of capital stock in Newbern Bank,		1,410 00	
Am't Literary Fund in Treasury, 1st January, 1835,			$23 970 11½
Amount of fund for Internal Improvement in Treasury, on the 1st of November, 1834,		6,539,42½	
Rec'd since that day for Cherokee bonds,		509 59	
			7,049 01½
Deduct amount paid to James Wyche, S. P. W.	5 28		
Do. W. R. Hill, Sec. to Board,	21 00		
		26 28	

Amount fund for Internal Improvement in Treasury 1st January, 1835,		7,022 73½
Total amount cash in Treasury, 1st Jan. 1835,		81,796 32
To which add amount of members' receipts,		5,285 00
		$87,081 32
This amount, transferred as above stated from William S. Mhoon to S. F. Patterson, is the only available fund now in the Treasury; but in the course of the fiscal year ending on the 31st Oct. 1835, there will probably be received on account of taxes collected by sheriffs,		70,000 00
Dividends of capital in State Bank, 5 per cent. on 3050 shares,		15,250 00
Do do. Bank of Newbern, 10 p. ct. 1959 shares,		19,590 00
Do. of profits in Bank C. Fear, 7 p. ct. 2122 shares,		15,854 00
Do. do. Bank of the State, 2 p. ct. 1500 shares,		3,000 00
Tax on stock owned by individuals in Bank of the State and Bank of Cape Fear,		3,000 00
And from all other sources,		7,224 68
		$220,000 00
The demands on the Treasury during the same period may beestimated as follows:		
For the Legislature, - -	$40,000	
Judiciary, - -	20,000	
Executive, - -	2,525	
Treasury, - -	2,000	
Cumptroller, - -	1,000	
Secretary of State, -	1,200	
Pensions, - -	1,000	
Adjutant Gnneral, -	200	
Public Printer, -	900	
Redemption of Treasury Notes,	3,000	
Contingencies, -	5,175	
State House, -	75,000	
		152,000 00
Am't estimated to be in Treasury, 21st Oct. 1835,		68,000 00

Of this there will be due to Literary Fund, 40,000
To the fund for Internal Improvement, 18,000
58.000 00

$10,000

When by the act of 1825, certain branches of the revenue were set apart to constitute the Literary Fund, no additional taxes were imposed, nor was any other source of revenue provided to supply the place of that which was then withdrawn from the public treasury. The State, at that time, was receiving considerable dividends on Bank stock, and had afloat 220,000 dollars of Treasury Notes, which enabled the Government to get along very well for several years without the sums thus withdrawn. But when these sources of revenue failed, and the Treasury was called on to pay a large amount of Treasury Notes, a resort to the Literary Fund became necessary to defray the expenses of Government, and to redeem the Treasury Notes presented for payment.

Since 1825, the sum of $163,772 33 has been paid for the redemption of Treasury Notes, and the sum of 125,000 dollars has been paid for building the new State House; and the sum of 30,000 dollars has been paid for stock in the new Bank, without the imposition of any additional taxes. The reception of $243,059 89 cents for dividends of capital held by the State in the Bank of Newbern and the State Bank, in addition to the other sources of revenue, has enabled the Treasury to meet these extraordinary demands, and to defray the current expenses of government. But from the estimate submitted above, it is evident that some additional provision will be necessary to enable the Treasury to meet the demands which will be made on it. Unless some reduction of the expenses of the Government be made, additional taxes will be indispensable.

If a Convention should be called to amend the Constitution, the expenses of the government may be so reduced as to supercede the necessity of increased taxation to defray the ordinary expenses. But some provision will be necessary to raise a fund to defray the expenses of the covention, and to meet occasional demands on the Treasury. By the act of 1833, the Treasurer is authorized to borrow of the Bank of Cape Fear or the Bank of

Newbern, on behalf of the State, when in his opinion such a measure should be expedient. As it may be more convenient to the Banks and to the Treasurer to borrow of the Bank of the State, the accompanying resolution is respectfully submitted, which will authorise the Treasurer to exercise his discretion in case it should become necessary to borrow.

The State owns 1500 shares in the Bank of the State, 1200 of which belong to the Literary Fund; the remaining 300 could be sold at a premium, if judged advisable. It also owns 2122 shares in the Bank of Cape Fear, 50 of which belong to the Literary Fund; and the dividends on 704 is appropriated to that Fund. And the dividend on 1358, is appropriated to the Fund for Internal Improvement; so that the dividends on only 10 shares of sfock in this Bank is unappropriated.

The entries on the Books of the Comptroller's Office, which were made before the present incumbent was elected, are as follows: On the Ledger up to the 1st day of August; on the Journal up to the first day of September; and on the Day-Book for a mall portion of September. The present Comptroller will have to bring up these Books; but as it has not been completed, the committee cannot ascertain what compensation would be justly due for it.

All which is respectfully submitted.

By order of the Committee:

JAMES WYCHE, *Chairman.*